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ACTS
OF THE
GENERAL ASSEMBLY
OF THE
COMMONWEALTH
OF
PENNSYLVANIA,

PASSED AT A SESSION WHICH WAS BEGUN AND HELD

AT THE

Borough of Harrisburg,

ON

TUESDAY, THE THIRP DAY OF DECEMBER,
11

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA.

THE FORTY-SEVENTH.

PUBLISHED BY AUTHORITY.

HARRISBURG:

PRINTED BY WILLIAM GREER.

1823.



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ACTS .

OF THE

GENERAL ASSEMBLY

PENNSYLVANIA.

CHAPTER I.

AN ACT

Authorising the treasurer of Indiana and Jefferson counties to sell unseated lands for taxes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same;*

That the treasurer of the counties of Indiana and Jefferson be and he is hereby authorised and directed to commence, on the fourth Monday of June next, and adjourn from day to day, if it shall be found necessary so to do, and make public sale of the whole or any part of such tracts of unseated lands, situate in the said counties, as will pay the arrearages of the taxes, any part of which shall then remain due and unpaid for the space of one year before the second Monday of June last, together with all costs accruing by reason of such delinquency.

Treasurer authorised to sell unseated lands for taxes.

SECT. 2. *And be it further enacted by the authority aforesaid;* That it shall be the duty of the said county treasurer to give at least sixty days notice of the time and place of such sales, the township or townships in which the said tracts are respectively situated, the number of acres contained in each tract, and the names of the warrantees or owners thereof, and the sums due upon each tract for taxes, at least four times in one daily newspaper printed in the city of Philadelphia, and in one other newspaper printed in or nearest to the county where such lands lie: and the said sales shall be conducted in the manner, and under all the regulations and restrictions prescribed in the act entitled "An

Notice of sale to be given

act to amend the act entitled 'An act directing the mode of selling unseated lands for taxes, and for other purposes,' passed the thirteenth day of March, one thousand eight hundred and fifteen.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—December the twenty-third, one thousand eight hundred and twenty-two.

JOSEPH HIESTER.

CHAPTER II.

AN ACT

For the relief of Casper Leob, a soldier of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay to Casper Leob, of Lebanon county, or order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER III.

AN ACT

For the relief of Margaret Patterson, widow of Alexander Patterson, a captain of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Margaret Patterson, of Easton, in Northampton county, widow of Alexander Patterson, a captain of the revolutionary war, or order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER IV.

AN ACT

Authorising the Secretary of the Land Office to grant a patent for a certain lot of land, in the township of Huntingdon, in Luzerne county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if Simon Tubbs shall make it appear to the board of property, that he is fully, fairly and exclusively, entitled to two undivided third parts of lot number thirty-eight, in the third division of lands in the township of Huntingdon, one of the seventeen townships in the county of Luzerne; containing in the whole, one hundred and thirty-five acres, and one hundred and twenty-eight perches, and shall pay into the treasury the purchase money due the commonwealth, with the interest thereon

accrued at the time of payment, on the whole of said lot of land, together with the usual fees of office, the Secretary of the Land-Office is hereby authorised and required to grant a patent to the said Simon Tubbs, for the whole of said lot of land: *Provided*, That this act shall not be construed to lessen or impair the claim or title of any person or persons whatever.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER V.

AN ACT

For the relief of Henry Stouffer, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Henry Stouffer, of Somerset county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

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CHAPTER VI.

AN ACT

For the relief of Peter Allen, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Peter Allen, as a gratuity, forty dollars, immediately after the passage of this act.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

APPROVED—January the tenth, one thousand eight hundred and twenty-three.

JOSEPH HESTER,

CHAPTER VII.

AN ACT

For the relief of the contractors for building the Conemaugh bridge, and the bridge over the west branch of Susquehanna, at or near the mouth of Anderson's creek.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby authorised and required to draw his warrant on the State Treasurer, for the amount of the subscription of the state, to the stock of the company for erecting a bridge over the Conemaugh river, where the northern turnpike crosses the same, in favor of the president and managers of the Conemaugh bridge company: and the State Treasurer is hereby authorised and required to pay the amount of the said warrant, out of the funds appropriated for this purpose, by the act entitled, "An act for the improvement of the state," passed March twenty-sixth, one thousand eight hundred and twenty-one.

State subscription to the Conemaugh bridge company to be paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby authorised and required,

Contractor for building a bridge over Susquehanna at or near the mouth of Anderson's creek, to be paid the amount of his contract.

to draw his warrant on the State Treasurer, in favor of the contractor or contractors for building a bridge over the Susquehanna river, at or near the mouth of Anderson's creek, where the turnpike road crosses the same, for half of the amount of the sum for which the said bridge was contracted to be built. And the State Treasurer is hereby authorised and required to pay the amount of the said warrant, out of the three per centum which was reserved out of the whole amount of the appropriation of public money, for making a road from Northumberland to Waterford, by the act of March twenty-ninth, one thousand eight hundred and nineteen.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER VIII.

A Supplement

To the act entitled, "An act to authorise the Governor of this Commonwealth, to incorporate a company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the county of Lancaster."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president, directors and treasurer, who were elected on the third Monday in May, in the year of our Lord one thousand eight hundred and eighteen, by the stockholders of the company for erecting a permanent bridge over the river Susquehanna, at or near M'Call's ferry, in the several offices to which they have been elected and appointed, shall continue to hold and exercise all the powers, and to perform all the duties by them heretofore held, agreeably to the provisions of the act aforesaid, until the next annual term for electing said officers. And it shall be the duty of the treasurer of said corporation, to give at least three weeks public notice, in three or more newspapers, one printed in West Chester, one in Lancaster, and one in York, of the time and place of holding said election; and the officers then chosen

Former officers of the company continued until next annual election.

Notice of election to be given.

shall exercise the powers respectively vested in them, by the act of incorporation, for the term of one year, or until others are chosen.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER IX.

AN ACT

For the relief of Henry Miller and David Bower, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Henry Miller, of Franklin county, a revolutionary soldier, or order, the sum of forty dollars immediately, and an annuity of forty dollars, to be paid half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

Gratuity and annuity granted to Henry Miller.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required, to pay to David Bower, of Lancaster county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars, to be paid half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

Ditto to David Bower.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER X.

AN ACT

Granting compensation to Adam Koch, for a tract of donation land.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the State Treasurer be, and he is hereby authorised and required, to pay to Adam Koch, or his order, (of Somerset county,) three hundred dollars, as a compensation for a tract of donation land, to which he was entitled for services rendered in the revolutionary war.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XI.

AN ACT

For the relief of Joseph Fox, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the State Treasurer be, and he is hereby authorised and required, to pay to Joseph Fox, of Greene county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars, to be paid half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the fourteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XII.

AN ACT

For the relief of Dennis Dailly, Andrew Reed, Reuben Cook and Peter Vincent, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Dennis Dailly, of Washington county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars during life, to be paid half yearly; to commence on the first day of January, one thousand eight hundred and twenty-three.

Gratuity and annuity granted to Dennis Dailly.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required, to pay, immediately after the passage of this act, to Andrew Reed, of Chester county, a revolutionary soldier, a gratuity of forty dollars.

Gratuity to Andrew Reed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required, to pay to Reuben Cook, of Tioga county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars during life, to be paid half yearly; to commence the first day of January, one thousand eight hundred and twenty-three.

Gratuity and annuity to Reuben Cook.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required, to pay to Peter Vincent, of Lycoming county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars during life, to be paid half yearly; to commence the first day of January, one thousand eight hundred and twenty-three.

Ditto to Peter Vincent.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

PROVED—January the sixteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XIII.

A Supplement

To the act entitled, "An act providing for the inspection of spirituous liquors.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be the duty of the guagers and inspectors of domestic distilled spirits, in the city and county of Philadelphia, or either of them, or their deputies, when requested by the seller or purchaser, or any person on behalf of either, to guage all hogsheads, and all casks holding more than thirty-two gallons, containing cider; and having ascertained the number of gallons contained in any such hogshead or cask, to mark the same in legible characters, with lampblack, on the head of the respective hogshead or cask; as a compensation for which, the person who made the application to the guager, shall pay twelve and a half cents for each and every hogshead or cask, which shall have been guaged and marked as aforesaid.

Duty of guagers and inspectors, in certain cases.

Compensation for guaging and marking.

Compensation for cider: how regulated, when hogshead contains either more or less than 110 gallons.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when any manufacturer thereof, or any other person, shall sell and dispose of cider, at a fixed and stated price per hogshead, and the purchaser thereof shall engage to furnish the hogshead or hogsheads to contain such cider, if any such hogshead or hogsheads, when guaged as aforesaid, shall be found to contain more than one hundred and ten gallons, the said manufacturer or seller shall be entitled to receive from the purchaser, an additional compensation for any number of gallons so found in any such hogshead or hogsheads, over and above that number. And if any such hogshead or hogsheads, guaged as aforesaid, shall be found to contain less than one hundred and ten gallons, the purchaser thereof shall be entitled to a deduction in the price, equal to the number of gallons so found wanting.

Books to be kept, and entries made, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said guagers and inspectors shall keep a book or books, in which they shall, from time to time, make accurate entries of the number of hogsheads or casks of cider, guaged and marked as aforesaid, specifying the number of gallons in each, and the names of the persons for whom the same shall have been so guaged and marked, and shall, when required so to do, give a certificate of any part thereof; for which the person or persons making application for the same, shall pay to the guager twelve and a half cents prior to the delivery of such certificate: *Provided,* That the said guagers and inspectors, shall be subject to the same penalties for misconduct, for false guaging and marking, for neglecting to record their proceedings as aforesaid, and for refusal to

Proviso.

give such certificate. as are prescribed by the act to which this is a supplement; recoverable before any alderman or justice of the peace, as sums of the like amount are by law recoverable.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the sixteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XIV.

AN ACT

Authorising a sale of the real estate of Jacob Miller, deceased.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That Abraham Oves, administrator of all and singular, the goods and chattels, rights and credits, which were of Jacob Miller, late of the borough of Harrisburg, in the county of Dauphin, deceased, be, and he hereby is authorized to sell and dispose of all, or any part of the real estate, of which the said Jacob Miller died seized and possessed, or to which he was, at the time of his death, in any manner entitled, within this commonwealth; and a deed or deeds to execute to the purchaser or purchasers, conveying the same as fully and effectually, as the said Jacob Miller might or could have done, at and immediately before the time of his decease, saving always the rights of third persons: *Provided,* That before the said Abraham Oves proceeds to make such sales, he shall give to this commonwealth a bond, with two or more sufficient sureties, to be approved of by the orphan's court of Dauphin county, in such sum as the said court shall think proper to direct, conditioned for the faithful execution of the power committed to him in making such sales, and truly to account for and pay over the proceeds thereof, to the persons justly entitled thereto; which bond shall be filed in the office of the clerk of the said court, for the use of all persons interested therein: *Provided,* That Abraham Addams, the father and guardian of Ann Elizabeth and Lydia Addams, minor daughters, under the age of fourteen years, shall, previously to the receiving of the money, arising out of the sale of the real estate of said intestate, enter into

Administrator authorized to sell real estate.

Proviso.

2d proviso.

recognizance before the orphan's court of Perry county, conditioned for the faithful application of the moneys coming into his hands, for the sole and exclusive use of the said minor children, in such manner as may best promote their interest.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XV.

AN ACT

For the relief of Mary M'Curdy, widow of William M'Curdy, a captain in the revolutionary war.

SECT 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Mary M'Curdy, of the city of Lancaster, widow of William M'Curdy, a captain in the revolutionary war, or order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life; to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XVI.

A Supplement

To an act entitled, "An act declaring Wysox creek, from the mouth thereof to Jacob Myer's mill dam, in the county of Luzerne, a public stream or highway."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Wysox creek, in the county of Bradford, from Myer's mill to Barnes's mill, the distance of about four miles, be, and the same is hereby declared a public highway, agreeably to all the restrictions and provisions of the act to which this is a supplement: Provided, That this act shall not be construed to extend to any dam or dams already erected, or to those which may hereafter be erected: Provided, They shall not be more injurious to the navigation, than those already erected.*

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XVII.

AN ACT

For the relief of Andrew M'Kee.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be, and he is hereby authorised and required, to pay to Andrew M'Kee, or order, the sum of seven hundred and fifty dollars, in full, for a tract of donation land, which was granted to him as a reward for his services as a revolutionary soldier, situate in what is commonly called the Struck Donation, in the second district, number three hundred and one; containing two hundred acres, a part of which was recovered by*

actual settlement: *Provided*, That the right of any person or persons, to any part of the above tract, claiming under the title granted by the state to the said M'Kee, shall revert to the commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER,

CHAPTER XVIII.

AN ACT

To empower the executors of Thomas and Mary M'Allen, to sell a certain tract of land.

Executors
empowered
to sell a cer-
tain tract of
land.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Boal and Robert Geddis, executors of the last will and testament of Thomas M'Allen, who died in the year one thousand eight hundred and six, and also of the last will and testament of Mary M'Allen, his wife, who died in the year one thousand eight hundred and twenty-one, or the survivor of them, be authorised to sell a certain tract of land, and the improvements thereon; situate in the township of Londonderry, Dauphin and Lebanon counties, adjoining lands of Jacob Early, Robert Geddis and others, and convey the same by deed, in fee simple, to the purchaser or purchasers thereof, as fully and effectually, as the said testator and testatrix could have done in their lifetimes. And the proceeds arising from said sale, shall be applied by the said executors, in the manner directed by the last wills and testaments of said Thomas and Mary M'Allen: *Provided*, William Boal and Robert Geddis shall first enter into a recognizance in the orphan's courts, of the counties of Dauphin and Lebanon, with sufficient sureties, to the satisfaction of the said courts, conditioned for the faithful exercise of this power; and that the proceeds of the sale hereby authorised, shall be applied and disposed of, according to the last wills and testaments of the

Proviso.

And Thomas and Mary M'Allen: *And provided also*, That nothing herein contained, shall be so construed as to affect the rights of any other individual or individuals. 2d provided.

JOSEPH LAWRENCE, *Speaker*
of the *House of Representatives*.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XIX.

AN ACT

To repeal the act entitled, "An act relative to the appropriation made to the Northumberland and Waterford turnpike road companies,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act entitled, "An act relative to the appropriation made to the Northumberland and Waterford turnpike road companies," passed the twenty-sixth of March, one thousand eight hundred and twenty two, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the *House of Representatives*.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XX.

A Supplement

To the several acts of the Legislature regulating fisheries in the river Delaware.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the assent of this commonwealth be. and the same is hereby given, to the provisions mentioned and contained in an act of the legislature of the state of New Jersey, passed the twenty-eighth day of November, one thousand eight hundred and twenty-two, entitled, "An act further supplementary to an act entitled, 'An act to regulate the fisheries in the river Delaware, and for other purposes,' passed the twenty-sixth of November, one thousand eight hundred and eight," except the proviso to the first section of said act, which permits the owners or occupiers of eddy fisheries, above the tide water, to begin to fish at twelve o'clock on Sunday night. And the said act of the state of New Jersey, except the proviso aforesaid, is hereby adopted, ratified and confirmed by this commonwealth, and the provisions thereof, except so far as the same are modified or altered by this act, shall be in full force and effect within this commonwealth, and the said act of the state of New Jersey shall be annexed to this act, and be published in the same manner as the laws usually are; and, the Governor shall likewise cause an exemplified copy thereof, to be deposited in the Secretary's office of this commonwealth, and transmit an attested copy of this act to the Governor of the state of New Jersey.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the bond directed by the said act of the state of New Jersey, to be given to the clerk of the county, and all the duties to be performed by said officer under said act, shall, within this commonwealth, be given to and performed by the prothonotaries of the courts of common pleas, of the several counties adjoining the river Delaware, from the circular boundary of the state of Delaware, up, opposite to the station point, or north west corner of the state of New Jersey. And if at any time it should become necessary to prosecute upon any bond so given and filed, then the prothonotary of the proper county in which such bond may be filed, shall place it in the hands of the prosecuting attorney of the county, whose duty it shall be, under the penalty of one hundred dollars, to proceed immediately, and put such bond in suit, and prosecute the same to judgment; for which service he shall receive one fourth of the sum recovered, and shall pay one fourth to the prothonotary, and the remainder to the treasurer of the county. for the use of the county.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the duties to be performed, under the eighth section of said act of the state of New Jersey, by the township committees, shall

Assent of the commonwealth given to the provisions of the act of New Jersey.

Act of New Jersey adopted and ratified, except, &c.

To be published.
Copy of this act to be sent to the Governor of New Jersey.

Duties of the clerk of the county in N. Jersey, to be performed in this commonwealth by the prothonotaries.

Manner of prosecuting upon bonds.

Amount recovered, how distributed.

here be performed by the prothonotaries as aforesaid, and the constables of the several townships, boroughs or districts adjoining said river, within the limits aforesaid, shall, under the penalty of one hundred dollars, every year, on or before the second Monday after they are elected, apply to the prothonotary of their respective counties, and take and subscribe the oath or affirmation described in the said eighth section; and shall also, under the same oath or affirmation, at the last court of quarter sessions, before their terms of office expire, make their return to the court: that, agreeably to the directions of the law for regulating fisheries in the river Delaware, they have diligently inquired, and carefully inspected and viewed all such parts of said river, as are adjoining their respective township, borough or district, and that to the best of their knowledge and belief, they have made a true return of all the transgressions of said law, within their district, together with the names of all such transgressors. And if it should appear that there are any of such transgressors that have not been brought to justice, the prosecuting attorney as aforesaid, shall proceed immediately against them, and have them dealt with according to law; and the several prothonotaries are hereby enjoined and required, under the penalty of one hundred dollars each, duly and carefully to administer such oath or affirmation, and file the same, together with the return, in his office, for which service he shall be paid by each constable twenty-five cents.

Duties of the township committees in N Jersey, shall here be performed by prothonotaries.

Duties of constables.

Transgressors to be prosecuted.

Further duty of prothonotaries.

Compensation.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all the prohibitions mentioned and contained in the said act of the state of New Jersey, are hereby declared to have like force and effect, upon the citizens of this commonwealth and all other transgressors, as they have upon the citizens of the state of New Jersey; and all the breaches and violations thereof, shall be in like manner punished within this state; and all the fines, forfeitures and penalties, which may or shall be incurred within this state, shall be recovered as other sums of like amount are recoverable by the laws of this state, and in pursuance of the several acts to which this is a supplement, and shall be paid over, one half to whosoever may prosecute for the same, and the person so prosecuting shall be a competent witness, and the other half to the treasurer of the county in which the offence shall have been committed, to be applied to the use of said county.

Prohibitions to operate equally upon the citizens of this state and of the state of New Jersey.

Fines and forfeitures, how recoverable.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all and each of the fines, forfeitures and penalties, that may or shall be incurred under this act, or the acts to which this is a supplement, which are in said acts directed to be paid to the supervisors of the highways, to be applied by them for repairing the roads in the township in which such offence shall have been committed, shall in future be paid, one half to whosoever may prosecute for the same, and the other half to the treasurer of the county in which such offence may or shall have been committed, to be applied by him to the use of said county. And the treasurer of each respective county within this state, adjoining the riv-

Fines, forfeitures and penalties, how to be applied.

Duty of treasurers of certain counties.
Compensation of constables.

Parts of former acts repealed.

Proviso,

er Delaware, within the limits aforesaid, is hereby enjoined and required to aid and assist in all such prosecutions as he may have notice of, and pay one half of all the costs which may or shall be incurred on all such prosecutions, and to pay to each constable seventy-five cents per day, for each day he shall be employed in discharging the duties enjoined upon him by the several acts of the legislature, passed for the regulation of fisheries in the river Delaware.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all and every part of the several acts to which this is a supplement, as are hereby altered and supplied, together with the supplement, enacted March thirty first, one thousand eight hundred and twenty-one, so far as the said acts respect the river Delaware, be and the same are hereby repealed: *Provided,* That the said repeal shall in no wise affect any vested rights, or make void any proceedings legally had, or done, or commenced under the same; but the same shall be prosecuted to judgment and execution, as though the said acts were not repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIRSTER.

[EXEMPLIFICATION.]

State of New Jersey.

AN ACT

Further supplementary to an act entitled, "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth of November, one thousand eight hundred and eight.

I. *BE it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, if any person or persons whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this state, from sunset on Saturday, until sunrise on Monday of each and every week, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the

costs of suit, for each and every offence: *Provided*, That nothing in this section contained, shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night.

II. *And be it enacted*, That if any person or persons whomsoever, shall cast, draw, or otherwise use, for the purpose of catching fish, more than one seine or net, in any one pool or fishing place in the river Delaware, within the jurisdiction of this state, on, opposite, or above the lowest or south-west end of Newbold's or Biddle's island, from thence down as far as the concurrent jurisdiction of this state and the state of Pennsylvania extends; more than two seines or nets in any one pool or fishing place, within any one term of twenty-four hours, beginning at sunrise and ending on sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act, he, she, or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence: *Provided always*, That it shall and may be lawful for any person or persons, who, by accident or otherwise, may be deprived of the use of the seine or net first used in any pool or fishing place, in any term of twenty-four hours, to withdraw the same and substitute another seine or net in the place of the one so withdrawn.

III. *And be it enacted*, That if any person shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton falls, between the last day of May and the tenth of June; and between the tenth day of June, and the tenth day of July, in any year, of any net more than fifty yards in length; and above the head of Trenton falls, of any seine or net of a larger mesh than two inches, and more than fifty yards in length, between the last day of May and the tenth day of July, in any year, he, she or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence.

IV. *And be it enacted*, That the owner or possessor of every fishery upon the river Delaware, within the jurisdiction of this state, his tenant or agent, shall, before he occupies the same as a fishery, give to the clerk of the court of common pleas of the county wherein such fishery, or the greatest part thereof, may be, a description in writing of his, her, or their pool or fishing place, designating the beginning and ending point, and the extent thereof on the river shore, together with the name of the township and county in which it is situated, and the number of men generally employed in fishing the same; and shall also enter into bond with one or more sufficient sureties to the clerk of the said county, and his successors in office, in the penal sum of five hundred dollars, conditioned for the payment of all fines and penalties created or given by this act, or the act or acts to which this is a supplement, that shall and may be incurred and recovered for any

infraction of, or offence against the said act or acts, committed at such fishery by his, her or their command or permission, during his, her or their occupying the said fishery, personally or by tenant, which said description and bond it shall be the duty of said clerk to file in his office, and give a certificate thereof to the person producing the same, on being paid fifty cents, which said bond shall be a security for all such penalties as may be recovered against the said owner or possessor, tenant or agent, during the time he, she or they may occupy the same. And in case of a recovery against such owner or possessor, tenant or agent, for any penalty given by the said act or acts, and the non-payment thereof, it shall be the duty of the said clerk, to cause the said bond to be prosecuted to judgment, and apply the proceeds thereof to the payment or discharge of the said recovery. And if any person or persons shall fish in any fishery so entered as aforesaid, or draw, cast, or otherwise make use of any seine or net within the same, or in the said river, opposite the river shore, included within the bounds thereof, without permission in writing from him, her or them, so owning, possessing and entering the same, first had and obtained, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit for each and every offence; to be sued for and recovered by the person or persons so owning, possessing and entering the said fishery, in any court of competent jurisdiction.

V. And be it enacted, That if any person or persons shall cast, draw, fish with, or otherwise make use of, any seine or net, in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state, and the state of Pennsylvania, between the first day of April and the tenth day of July, in each and every year, without having first entered his, her or their fishery as aforesaid, or at any place in the said river Delaware, within the jurisdiction of this state, than at, in, or opposite the shore boundaries of a pool or fishing place, described and entered in the manner prescribed in the preceding section, he or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence.

VI. And be it enacted, That it shall and may be lawful for any owner or owners; possessor or possessors, of any shore on the river Delaware, within the jurisdiction of this state, below the Trenton bridge, having entered the same as a fishery, and given bond in the manner prescribed by the fourth section of this act, to fish the same, in front and opposite the bounds thereof, with a sweeping or shore seine, or net, or a gilling seine or drift net: *Provided always,* That if he, she or they, use a gilling or drift net, the mesh thereof shall not be larger than six inches and a half, and the said net shall not be more than sixty fathoms in length; and the boat or boats used at such gilling seine or drift-net fishery, shall have the name or names, and place or places of

side, of the person owning or entering the said fishery, painted in large legible capital letters on the gunwale thereof.

VII. *And be it enacted*, That if any person or persons shall be found making use of a gilling seine or drift net, in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, without having first entered his gilling seine or drift-net fishery, and given bond as aforesaid, or beyond the angles of the shore boundaries of the said fisheries so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July, of each and every year, he, she or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence.

VIII. *And be it enacted*, That the township committee of each township adjoining the said river Delaware, within the jurisdiction of this state, may, every year at their first meeting after their election, appoint one constable, of their respective townships, whose duty it shall be, having taken an oath or affirmation before a justice of the peace, of the township in which he resides, that he will, without fear, favor or affection to any, endeavor to execute this act, and the act or acts to which this is a supplement, according to the true intent and meaning thereof, carefully and diligently to view and inspect the shores of the said river, and the fisheries thereon, in his township, once a week at least, between the first day of April and the tenth day of July, in each and every year, to put this act in force, and to cause all offences or transgressions against the same, or the act or acts to which this is a supplement, to be prosecuted agreeably to the directions thereof, for which service he shall be entitled to receive the sum of seventy-five cents per day, to be paid by the collector of the county in which he acts, on proving by his own oath or affirmation, before some justice of the peace of the township, the number of days engaged in the said service.

IX. *And be it enacted*, That if any constable, of any township in this state, adjoining the river Delaware, shall neglect or refuse to do and perform the duty enjoined upon him by this act, or the act or acts to which this is a supplement, or to carry the same into effect against any offenders within his own view or knowledge, or upon the information of any credible witness, he shall forfeit and pay for every such neglect, the sum of one hundred dollars, together with the costs of suit.

X. *And be it enacted*, That if any person or persons shall, by threat, menace or otherwise, attempt to deter or prevent any constable, collector, or any other person, from enforcing or carrying into effect this act, or the act or acts to which this is a supplement, or any part thereof, he or they so offending, shall forfeit and pay the sum of one hundred dollars, with costs of suit, for each and every such offence.

XI. *And be it enacted*, That it shall be the duty of the collectors of the several townships adjoining the river Delaware, with-

in this state, to prosecute for any fines and penalties within the limits of their respective townships, under this act, or the act to which this is a supplement, which come to their knowledge, by their own view, or the information of one or more credible witnesses.

XII. And be it enacted, That in all and every action or suit for any fine or penalty given or created by this act, or the act to which this is a supplement, the person prosecuting, shall or may sue by warrant or summons, in case the same is commenced in the court for the trial of small causes, and by *capias ad respondendum* or summons, in case the action is commenced in any other court, any law, usage or custom to the contrary notwithstanding.

XIII. And be it enacted, That if any person or persons shall be found making use of any boat, seine, net, or other tackling, in the river Delaware, within the jurisdiction of this state, contrary to the true intent and meaning of this act, or the act or acts to which this is a supplement, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, or other tackling so made use of, and that it shall be the duty of all the sheriffs and constables, and may be lawful for any person or persons, to seize and secure any such boat, seine, net, or other tackling as aforesaid, and immediately thereafter give information to two justices of the peace of the county where such seizures shall have been made, who are hereby required and empowered to meet, at such time and place as they shall appoint, for the trial thereof, and hear and determine the same, in a summary manner; and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justices, who, after deducting all legal costs and charges, shall pay one half of the proceeds of said sale, to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

XIV. And be it enacted, That if any person or persons on board any such boat, or in possession of such seine, net or tackling, shall resist any officer or any other person or persons, in the lawful seizure of the same, then, every person so offending, shall forfeit and pay the sum of one hundred dollars, together with the costs of suit for each offence.

XV. And be it enacted, That all and each of the penalties created, given or contained in this act, or the act to which this is a supplement, or the other supplementary acts thereto, except such as are given to the party aggrieved, shall be sued for and recovered, by action of debt, with costs of suit, in any court of competent jurisdiction, by any person or persons who will sue for the same; one half to the prosecutor or prosecutors, and the other half to the collectors of the county, for the use of the county in which such offence shall be committed.

XVI. And be it enacted, That the first, second and fourth sections of the act to which this is a supplement, passed the twenty-

third of November, eighteen hundred and eight; and the act supplementary thereto, passed the twentieth of November, eighteen hundred and nine, and a supplement to the said act, passed the twentieth of January, eighteen hundred and fourteen, and further supplement to the said act, passed the ninth of February, eighteen hundred and nineteen. and all and every part of the said acts, as come within the purview of this act, and is contrary hereto, be, and the same is hereby repealed: *Provided*, That the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate or make void any proceedings legally had or done, or commenced under the same, but the same shall be prosecuted to judgment and execution as though the said act or acts were not repealed. *And provided also*, that no section, proviso, or part of this act, shall be considered as valid or operative, until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved, shall immediately go into full force and effect.

XVII. *And be it enacted*, That the Governor of this state is hereby requested to transmit an attested copy of this act to the Governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Council Chamber,

November 28th, 1822.

This bill having been three times read in the Council, *Resolved* that the same do pass. By order of the Council.

JESSE UPSON, *Vice President*;

House of Assembly,

November 27th, 1822.

This bill having been three times read and compared in the House, *Resolved*, that the same do pass, by order of the House.

DAVID THOMPSON, *Jamr. Speaker*.

State of New Jersey,

Secretary's Office, Trenton, December 13th, 1822.

I, DANIEL COLEMAN, Secretary of the State of New Jersey, do certify the foregoing to be a true transcript of an act of the Legislature of the aforesaid state, passed on the twenty-eighth ultimo, remaining on the files in said office.



Given under my hand and seal of office, at Trenton, the day and year above said.

DANIEL COLEMAN:

State of New Jersey.

I, ISAAC H. WILLIAMSON, Governor of the state of New Jersey,

To all to whom these presents shall come, *Send Greeting:*

Know YE, That Daniel Coleman, who has subscribed the certificate of the writing hereto annexed. was, at the time of subscribing the same. and now is, Secretary of the aforesaid State, duly appointed and commissioned, and that full faith and credit is due, and ought to be given to his official acts accordingly.



Given under my hand and the great seal of the state, at Elizabethtown, this thirtieth day of December, Anno Domini one thousand eight hundred and twenty-two.

ISAAC H. WILLIAMSON.

BY THE GOVERNOR,

DANIEL COLEMAN, *Secretary.*

CHAPTER XXI.

A Supplement

To an act entitled, "An act to incorporate a company for making a turnpike road from Butler to Franklin.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when five hundred shares of the stock of the "Butler and Franklin turnpike road company" shall have been subscribed by twenty or more persons, agreeably to the act to which this is a supplement, passed the second day of April, anno domini one thousand eight hundred and twenty two, it shall and may be lawful for the governor, by letters patent under his hand and seal of state, to create and erect the subscribers; and if the subscriptions be not full at the time, then those that shall afterwards subscribe to the number of fifteen hundred shares, into one body politic and corporate, in deed and in law, by the name and style of "The President and Managers of the Butler and Franklin turnpike road company," according to the provisions of the act to which this is a supplement: *Provided nevertheless,* That in no case whatever shall the neglect or refusal of any person or persons subscribing to the stock of said company in his own or any other name, to pay to the attending commissioner or com-

When letters patent may issue.

Style of company.

Proviso.

missioners, the sum of two dollars for every share subscribed, agreeably to the proviso of the first section of the act to which this is a supplement, be construed to exonerate the person or persons subscribing, in manner aforesaid, from payment of the amount due on the share or shares which he or they respectively may have subscribed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered and supplied, be, and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER XXII.

AN ACT

To incorporate the Gettysburg water company.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present members of the Gettysburg water company, that is to say, John McConaughy, John Hersh, J. B. McPherson, Alexander Cobean, Bernard Gilbert, George Smyser, Walter Smith, Samuel H. Buehler, John Herbest, David McConaughy, James Dobben, Robert G. Harper, Sampson S. King, Michael C. Clarkson, James A. Thompson, Adam Walter, Jacob Winterode, John Ermon, Thaddeus Stevens, William McClellan, junr. Charles S. Dierline, James Scandling, George Zigler, David Zigler, Robert Hunter, Jacob Eyster, Ephraim Martin, John Garvin, Ann Griffin, Michael Bobst, James Gettys, George Arnold, Robert Golder, Thomas J. Cooper, John Arendt and John Lisle, their successors and assigns shall be, and they are hereby made and constituted a body politic and corporate, by the name, style and title of "The Gettysburg Water Company;" and by the same name, style and title, shall have continual succession, and shall be able in law to sue and be sued, to plead and be impleaded, and to make, have and use a common seal, and all the privileges and franchises incident to a corporation, necessary for the purpose

Present members constituted a body politic and corporate.

Style of the company.

Powers and privileges.

of supplying the inhabitants of the town of Gettysburg with water, and for no other purpose whatever; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions if it shall be found necessary, to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling and transferring, in fee simple, or for any less estate, such lands, tenements, hereditaments and estates, real and personal, as shall be necessary in the prosecution of their works, and of doing every matter and thing which a corporation or body politic may lawfully do in the premises: *Provided*, That the yearly income of the said real estate shall not exceed the sum of five thousand dollars.

Proviso.

Notice of the time and place of election to be given.

Of voting.

Of officers.

Annual election, when to be held.

Of vacancies.

Proviso.

2d proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That any three or more of the stockholders shall, as soon as conveniently may be, after the passing of this act, give at least ten days notice in one or more of the newspapers printed in the borough of Gettysburg, of the time and place of the stockholders to meet and hold an election, for choosing by ballot, five managers, who shall be stockholders, to conduct the affairs of the said company until the first Monday of September then next ensuing; and in all elections each stockholder shall be entitled to one vote for each share of stock bona fide held by him, and the said managers shall appoint one of their number president of the board, who shall sign all contracts and certificates of stock. The president and managers shall have power to appoint a treasurer, and such other officers and agents as may be necessary, and the election for officers shall be held annually on the first Monday in September, at such place as may be appointed by the managers, of which at least ten days notice shall be given as aforesaid; and when vacancies happen, the managers shall supply them from among the stockholders, until the next annual election: *Provided*, That no stockholder, not resident within the borough of Gettysburg, shall be eligible as a manager or treasurer of said company: *And provided*, That no misnomer nor failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers may prescribe.

Of by-laws.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the president and managers, or any three of them, shall have power to adopt such by-laws, rules and regulations, as may be deemed expedient for the well governing of the affairs of the said company, and shall also have power to call special meetings of the stockholders, whenever any circumstance occurs which may render it necessary, to consult them: *Provided*, That such by laws, rules and regulations, shall, in no case, contravene the constitution and laws of this commonwealth.

SECT. 4 *And be it further enacted by the authority aforesaid*, That the president and managers shall procure a common seal.

and the certificates of stock and other official acts shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of the said company, and shall deliver one of such certificates, signed by the president, countersigned by the treasurer, and sealed as aforesaid, unto each person for every share held by him or her, as soon as fifteen dollars shall be paid on each share, and every such certificate shall be transferable in person or by attorney duly authorised, on the books of the said company, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the transfer to be made on the books of the company as aforesaid, shall be a member of the corporation, and possess and enjoy all the rights and privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber.

Duty of president and managers.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall meet at such times and places as shall be directed by the by-laws, and when met three shall be a quorum; and in the absence of the president, a chairman may be chosen of this number met, and all their transactions, as well as every matter and thing relating to the affairs of the said company, shall be entered in a book or books to be kept for such purpose, and a quorum being formed, they shall have full power to employ and contract with the engineers, artists and such workmen as they may deem necessary to carry on and complete the works, as well as to uphold, alter and repair the same, and also fix the times and manner, and in what proportion the stockholders shall pay the moneys yet to pay, on their respective shares, and to draw on the treasurer for all moneys that may be necessary, and required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act, or their by-laws, rules and regulations they shall be authorised to do.

Three to constitute a quorum.

Books to be kept.

Powers of the company.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers, to proceed to complete the bringing and conveying a stream of water from land purchased of Daniel Heck, within the borough of Gettysburg, by means of pipes, trunks or aqueducts; and also to provide cisterns or reservoirs for the reception thereof, and for these purposes may enter into such lands and enclosures as may be necessary, and to dig ditches and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them. And when the parties cannot agree, according to an appointment by three disinterested freeholders, to be appointed on application, by the court of common pleas of Adams county, and who shall be duly sworn or affirmed, justly and truly to make assessment, reserving, nevertheless, to all those who may be affected by the diversion of the water, or by laying trunks through their

Water to be conveyed into the borough.

May enter into lands.

Damages to be paid.

How to be ascertained.

lands, the full effect of the conditions and reservations in them conveyed already made; and the president and managers shall, at all times, paying damages as aforesaid, have liberty to renew and repair the trunks wherever laid on and through private property, doing as little damage as possible; and shall also have liberty at all times to dig and lay pipes and trunks along roads and highways, and the streets and alleys of the borough of Gettysburg, and to renew and repair the same, shutting up and amending any breaches which they may respectively make as soon as possible; and it shall be lawful for them to make cisterns and reservoirs, in the streets, on public ground, in said borough, where the same may be necessary.

Borough permitted to erect hydrants.

Individuals may be supplied with water

Compensation to be made therefor.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president and managers shall, in such streets or parts of the borough where pipes shall be required, permit the said borough to erect hydrants, to be used solely for extinguishing fires, paying a reasonable sum annually for said privilege; and the said company shall have liberty at all times, where the trunks or pipes shall be laid in and through any of the streets and alleys, in said borough, to suffer individuals to be supplied with water for domestic use, and such other uses as the directors may permit, for such reasonable compensation as shall from time to time be agreed on by the president and managers and such individuals, according to certain uniform rates which the president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume.

Capital stock how called in.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the president and managers shall call in such part of the capital stock, (the shares being twenty-five dollars each,) as remains unpaid, by instalments, as the same may be required; and if any stockholder or original subscriber shall neglect, after thirty days notice, published in one or more of the newspapers printed in the borough of Gettysburg, payment may be enforced as in other cases; and whenever the debts of the said company shall be paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock paid in, half yearly, on the first Monday of January and July in each year; and shall publish the said dividend, and the place where the same will be paid, and shall cause the same to be paid accordingly: *Provided,* That whenever the clear annual income of the company shall exceed ten per cent. on the capital stock, the water rents or sums of money charged for the use of water, shall be so regulated, that the average dividends declared shall never exceed that rate.

When dividend is to be declared.

Proviso.

Penalty for injuring works, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy or injure in any manner the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said company erected or to be erected in pursuance of this act, or shall wilfully corrupt, or otherwise render unwholesome, the stream of water which shall be conveyed and brought through the borough of Gettys-

burg, by the said company, shall, on being thereof convicted, before any justice of the peace, in and for the county of Adams, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding twenty dollars, one half to the use of the poor of the said county, and the other half to the informer, and shall moreover remain liable for all damages to the company.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said corporation shall not have power to issue any note or notes in the nature of bank notes, or to be endorsers on any note or notes in their corporate capacity, or to make discounts or receive deposits after the manner of any bank or banks, and in case the said company should at any time hereafter, act contrary to the provisions contained in this section, their charter and privileges shall be null and void.

Company not to exercise the powers of banks.

JOSEPH LAWRENCE. *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXIII.

AN ACT

To enable the governor to incorporate a company, to make an artificial road from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at or east of Montrose.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Putnam Catlin, Jonas Brush, Samuel Bissell and Noah Pratt, of Susquehanna county; John Miller, William Clark, Nathan Bacon, and Henry W. Drinker, of Luzerne county; and Lillibridge Mumford, of Wayne county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; *that is to say,* they shall, on or before the first Monday of April next, procure one or more books, and enter therein as follows: "We whose names are hereunto subscribed do promise to pay the president, managers and company, of the Abington

Commissioners to open books of subscription.

Route of the road.	and Waterford turnpike road, the sum of twenty-five dollars for each and every share of stock in said company, set opposite to our respective names, in such manner and proportion, and at such times and places as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly, entitled, "An act to enable the governor to incorporate a company for making an artificial road from the Philadelphia and Great Bend turnpike, in Abington township, to intersect the Milford and Owego turnpike road, at, or east of, Montrose," by the following route, viz. From the Philadelphia and Great Bend turnpike to Nathan Bacon's, thence to the out let of the North Pond, thence to intersect the Milford and Owego turnpike road, at, or east of, Montrose; and shall thereupon give notice in one of the public newspapers printed in Montrose, two weeks at least of the times and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which respective times and places any two of the said commissioners shall attend, and shall permit and suffer all persons of lawful age, who shall offer to subscribe in the said books, in their own names, or in the names of any other persons who shall duly authorise the same, for any number of shares in the said stock; and said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of two days, or until the books shall have six hundred shares therein subscribed. And if at the expiration of the said two days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, until the whole number of shares shall be subscribed; of which adjournments the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed in the said books shall amount to six hundred, the same shall be closed.
Notice of the times and places for receiving subscription of stock, to be given.	
Who may subscribe.	
Number of shares to be subscribed.	
When letters patent may issue.	SECT. 2. <i>And be it further enacted by the authority aforesaid,</i> That when twenty persons or more have subscribed two hundred shares of the said stock, the commissioners shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers; and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate in deed and in law, by the name style and title of "The president managers and company of the Abington and Waterford turnpike road;" and by the said name, the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchas-
Style of the company.	
Powers and privileges.	

ing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be obtained, shall give notice in the *Montrose Gazette*, of the time and place, by them to be appointed, not less than ten days from the publication of the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, one president and ten managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and this state, as shall be necessary for the well ordering the affairs of the said company; and generally have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road; and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures which are imposed; and be entitled to like tolls and profits in proportion to the distance, as are given and granted to the president, managers and company, of the Coshecton and Great Bend turnpike road, by an act entitled, "An act authorising the governor to incorporate a company for making an artificial road in Wayne and Luzerne counties," passed the twenty-ninth day of March one thousand eight hundred and four: *Provided*, That if the said company shall not proceed to carry on the said work in two years after the passing of this act, or shall not within five years afterwards, complete the said road, according to the true intent and meaning of this act, then in either of these cases, all and singular, the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

Notice to be given of the time & place of organizing the corporation.

Officers to be chosen.

Power to make by-laws.

To have like power, &c. and be subject to all the duties, restrictions, &c. as are given to, & imposed upon the Coshecton & Great Bend turnpike road company.
Proviso.

CHAPTER XXIV.

A Supplement

To the act entitled, "An act to regulate the inspection of flour in certain western counties of the state," passed the thirtieth day of September, one thousand seven hundred and ninety-one.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all flour which may be manufactured within, and transported by land out of the counties of Westmoreland, Washington, Fayette and Greene, shall not be subject to inspection under the act to which this is a supplement: *Provided.* That nothing herein contained shall be so construed as to prevent the owner or owners of any flour in said counties from having it inspected under and agreeable to the original law.

Flour not to be subject to inspection in certain counties.

Proviso.

Part of former act repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied, be, and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—February the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXV.

AN ACT

Authorising Walter Oliver to make sale of certain lands in Mercer county, the property of Eleanor Junkin, a minor.

Authority to make sale

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Walter Oliver, of Mercer county, be, and he is hereby authorised and empowered to make sale of the whole, or such part of such tracts or lots of donation land in Mercer county, as he the said Walter Oliver, and John Junkin in his life time, may

have purchased at sale for taxes, in partnership, and in which Eleanor Junkin, a minor, daughter and heir at law of the said John Junkin, deceased, holds an equal and undivided interest; and to make a deed or deeds in due form of law for the same, or to make such compromise and agreements with other claimants as to him may seem most advisable; and he, the said Walter Oliver, shall pay so much of the proceeds arising therefrom, as belongs to the said Eleanor Junkin, to her guardian: *Provided*, That the said Walter Oliver, before he shall proceed to sell or convey any part of said lands, shall, with sufficient surety, enter into a recognizance before the Orphans' court of Mercer county, conditioned for the faithful execution of the trust hereby given: *And provided also*, That nothing herein contained shall affect or impair the right or title of any other person or persons, or of this commonwealth, in or to any part of the lands mentioned, or intended to be mentioned herein, but that the right and title of all such other persons, or of this commonwealth, shall remain of the same force and effect as if this act had not been made.

Provided.

2d provide

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the thirteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXVI.

AN ACT

Authorising a review of part of the state road from Carlisle, through Newville and Roxbury, to the Burnt Cabins.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Shoemaker, of Roxbury, Samuel T. Swansey and Francis G. Patterson, be, and they are hereby authorised and directed to meet at Roxbury, in the county of Franklin, on or before the first Monday of July next, and proceed to review that part of the state road laid out from Carlisle, through Newville and Roxbury, to the Burnt Cabins, which lies between the town of Roxbury and the line of Fannet township, in the county of

Commissioners to review part of a road from Carlisle to the Burnt Cabins.

Draught to
be made.

Franklin, aforesaid; and if they, or any two of them, shall be of opinion that better ground can be selected without materially increasing the distance, and so as to lessen the expense of keeping the said road in repair, they, or a majority of them, shall proceed to survey the same, and shall cause a draught, with the courses and distances marked thereon, to be deposited in the office of the clerk of the court of quarter sessions of the county of Franklin, which shall be a record of said road; and from thenceforward, shall, to all intents and purposes, be a public highway; and shall be opened and kept in repair, as is required by the original act by which the said road was laid out; and any part of said road which may be altered, be, and the same is hereby vacated.

Commission-
ers to be un-
der oath.

Compensa-
tion.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners before they enter upon the duties of their appointment, shall take and subscribe an oath or affirmation before some justice of the peace, faithfully and impartially to perform the duties required of them by this act; and they shall each receive one dollar for each day they may be necessarily employed in said work; together with a reasonable allowance for chain carriers and marker; and the accounts of the said commissioners shall be adjusted and settled by the county commissioners of Franklin county, and paid by warrants drawn on the treasurer by said commissioners.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the thirteenth, one thousand eight hundred and twenty-three.

JOSEPH HESTER:

CHAPTER XXVII.

A Supplement

To the act entitled, "An act to incorporate an academy, or public school, in the town of Franklin, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same* That the Secretary of the Land Office be, and he is hereby authorised to issue a patent, free of expense, to the trustees of the

Franklin Academy, for the time being, and to their successors in office, for two certain contiguous out-lots of the town of Franklin, at the mouth of French creek, in the county of Venango, and numbered in the general plan of said town, as follows, viz. Number twenty-seven, containing one acre and fifty-four perches; and number thirty, containing one acre and fifty-seven perches; to be held by the said trustees, and their successors in office, in trust for the use and benefit of the said academy, for the purpose of aiding in the support of a teacher in the same.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the thirteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXVIII.

AN ACT

Authorising the township of Roxborough, in the county of Philadelphia to apply the money arising from the tax on dogs in said township, to the support of the poor.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That as often as the commissioners of the county of Philadelphia, agreeably to the direction of the act entitled, "An act laying a tax on dogs in certain counties, and for other purposes," shall have caused an accurate return to be made of all dogs upward of one month old, owned or possessed by any person or persons within the township of Roxborough, and when and as often as they shall have caused to be levied the tax or taxes imposed by the act aforesaid, and shall have decided upon appeals from the said levy or assessment, it shall be their duty, and they are hereby required to deliver the said returns and assessments to the overseers of the poor of the township of Roxborough, aforesaid; and it shall be the duty of the said overseers, and they are hereby required to cause the taxes so assessed, to be entered upon the proper duplicates of the poor tax; and the collectors of the poor taxes shall then collect the said tax upon dogs, in the same man-

ner, and with the like powers, as they are now authorised to collect the poor taxes; allowances to be decided upon, and security, if necessary, to be taken, as allowances and security are now decided upon, and taken, in relation to the poor tax: *Provided*, That the inhabitants of the said township of Roxborough shall not be paid out of the treasury of the city and county of Philadelphia, for any sheep killed by dogs.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the thirteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXIX.

AN ACT

Authorising a review of the road from the city of Pittsburg, to Mercer.

Commissioners appointed to review the road from Pittsburg to Mercer.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Hilands, of Allegheny county; Abraham Zeigler, of Butler county; and Hugh Bingham, of Mercer county, be, and they are hereby appointed commissioners to review the road leading from the city of Pittsburg to the borough of Mercer, through Zelienople, Harmonie and Harlensburg; with power to alter the location of the same wherever it may be necessary; and to bring it to an inclination of five degrees with the plane of the horizon; and it shall no where be allowed to exceed that inclination. And further, the said commissioners, in changing the location of the road for said purpose, shall so locate it as to pass through the town of Zelienople, Harmonie, and Harlensburg; and they shall not in any instance, deviate more than a mile and a half from the road, which now extends from Pittsburg to the town of Mercer, through Zelienople, Harmonie and Harlensburg, aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall proceed to perform the duties enjoined on them by this act on or before the first of August next; and shall cause a draft of the survey

of said road, as they may locate it, to be deposited in the office of the secretary of the commonwealth; and shall also deposit a copy of the same, in the office of the clerk of quarter sessions in each of the counties through which the road shall pass, which drafts shall be legal records thereof; and from thenceforth, the road so located, shall be, to all intents and purposes, a public highway; and shall be opened and kept in repair in the same way in all respects, as other roads are opened and repaired, by order of the court of quarter sessions.

Drafts of the road to be made.

SECT. 3. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he enters upon the duties of said appointment, shall take and subscribe before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties herein enjoined upon him; and the justice shall file and preserve the same. And each of the said commissioners shall receive the sum of one dollar and fifty cents for each day he shall be necessarily employed in said work, together with reasonable allowance for chain carriers and markers; and the accounts of said commissioners shall be adjusted and paid by the treasurer, on warrants drawn by the commissioners of the different counties through which the road may pass, proportioning the amount paid by each, to the distance which the said road passes through each of the same.

Commissioners to be under oath.

Their compensation.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the thirteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXX.

AN ACT

To incorporate the Strasburg Academy, in the borough of Strasburg, in the county of Lancaster.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and hereby is established, in the borough of

Academy established.

Style,

Five trustees to be chosen annually.

Who may vote.

Proviso.

Trustees named.

Style of the corporation.

Powers and privileges.

Strasburg, in the county of Lancaster, an academy or public school, for the education of youth in the useful arts, sciences and literature, by the name, style and title of "Strasburg Academy."

SECT. 2. *And be it further enacted by the authority aforesaid,* That on the first Monday in December, in the year of our Lord one thousand eight hundred and twenty-three, and annually thereafter, it shall and may be lawful for the persons who are subscribers to a school-house in Jackson street, in the borough of Strasburg, and all other persons who may become subscribers to the Strasburg academy, to meet at the said academy, and then and there between the hours of two and six o'clock in the afternoon, elect by ballot, five trustees, who shall hold their offices for one year, and until others are chosen in their place; and in case the said trustees should neglect to hold an election, on the day before mentioned, an election shall be held as soon as possible, ten days public notice thereof being first given, in two public newspapers in the county of Lancaster, by the secretary or treasurer of the said academy: *Provided*, That no person, either as master, tutor or pupil, shall be refused admission into the said academy, on account of his conscientious persuasion in matters of religion.

SECT. 3. *And be it further enacted by the authority aforesaid,* That, until the first Monday of December aforesaid, the trustees of Strasburg academy shall consist of the following persons, to wit: Samuel Miller, John Seitz, Hugh McClung, Archibald McAlister and George Miller, which said trustees and their successors, to be elected and chosen as hereinbefore mentioned, shall be, and they are hereby declared to be one body corporate and politic, by the name, style and title of "The Trustees of Strasburg Academy;" and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and shall be competent and capable in law, to take and hold to them and their successors, for the use of said academy, lands, tenements, hereditaments, goods and chattels, of what kind, nature or quality whatsoever, real, personal or mixed, by the gift, grant, bargain, sale, conveyance, assurance, with devise or bequest of any person or persons whomsoever capable of making the same, and all and every the real, personal and mixed estate, given, granted and vested by any person whomsoever, for the benefit of the said institution, is hereby vested in the said trustees and their successors forever. And the said trustees and their successors are hereby empowered to erect such buildings, and make such improvements, as may be found necessary for said institution; and generally to do and perform all and singular the matters and things which shall be lawful for them to do, for the well being of the said academy, and the due management and ordering the affairs thereof.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors, shall have full power

and authority to use one common seal, and renew and alter the same at their pleasure.

May make & use a seal.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said trustees, a majority of whom shall constitute a quorum to transact business, shall hold their first meeting at the school-house above mentioned, and shall have power to make and enact ordinances, by-laws and regulations, for the government of said academy; to elect and appoint a master and tutor; to agree with them for their salaries, and to remove them at pleasure; to appoint a treasurer, secretary, managers and other necessary officers for taking care of the funds, and managing the concerns of the corporation, and to determine all matters and things necessary to be determined and transacted by the said trustees: *Provided always,* That no ordinance or by-law shall have any force, which shall be contrary to the constitution or laws of the United States, or of this state.

Quorum.

May make by-laws, appoint master and tutor, &c.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors, are hereby further empowered, if they or a majority of them shall think proper and advisable, for the benefit of the said company, to purchase, in fee simple, any lands near the said academy, which they shall find necessary for the advantage thereof.

Authority to purchase real estate.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors, or a majority of them, are hereby authorised and empowered, when a vacancy happens, either by death, resignation or otherwise, before any annual election, to meet at the said academy, and choose some fit person to fill the said vacancy for the period of time unexpired.

Board of trustees authorised to fill vacancies.

SECT. 8. *And be it further enacted by the authority aforesaid,* That when the necessary buildings shall have been completed, and the salaries of the master and tutors shall have been settled and arranged, and in case any proceeds should be then left from the funds of the said institution, over and above what may be necessary to keep the said buildings in repair, it shall and may be lawful for the said trustees, to expend the same in purchasing books, maps, charts, globes, and philosophical apparatus, for the use and benefit of the said academy; and the said trustees and their officers, are hereby enjoined and required, to cause the treasurer's books to be at seasonable hours open, for the inspection and examination of all and every the persons subscribing to the said institution.

When books, maps, charts, &c. may be purchased.

Treasurer's books to be open for inspection.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the thirteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXI.

AN ACT

For the relief of Reuben Winslow.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay the balance of the three per centum remaining in the state treasury, appropriated for the building of a bridge over the Susquehanna, at, or near the mouth of Anderson's creek, to Reuben Winslow, contractor for building said bridge.

JOSEPH LAWRENCE. *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the eighteenth, one thousand eight hundred and twenty-three.

JOSEPH HLESTER.

CHAPTER XXXII.

AN ACT

Authorising the incorporation of a company for the making of a turnpike road from the south end of the Monongahela bridge, opposite the city of Pittsburg, to the top of Coal Hill, in a direction towards Brownsville.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William M'Candless and William Lecky, of the city of Pittsburg; and James Patterson, Joseph Wilson, Noble Calhoun, Henry Beltshoover and Joseph Curry, of the county of Allegheny, be, and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first day of June next, procure two books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Monongahela turnpike road company, the sum

Commissioners named to receive subscription of stock.

of twenty-five dollars, for every share of stock in the said company, set opposite our respective names; in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled; "An act authorising the incorporation of a company for the making of a turnpike road, from the south end of the Monongahela bridge, opposite the city of Pittsburg, to the top of the Coal Hill, in a direction towards Brownsville. Witness our hands the

day of in the year of our Lord, one thousand eight hundred and ."

And thereupon shall give notice in two, or more, of the public newspapers printed in the city of Pittsburg, for twenty days at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which times and places two of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names, or in the name or names of any other person who shall duly authorise the same, for any number of shares of the said stock. And the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have four hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid, or either of them, shall not have the said number of four hundred shares therein subscribed, the commissioners respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers the commissioners aforesaid shall give such public notice, as the occasion may require; and when the whole number of shares subscribed shall amount to four hundred, the same shall be closed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty persons, or more, shall have subscribed one hundred and fifty shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers; and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The President and Managers of the Monongahela turnpike road company," and by the said name, the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall

Notice of the time and place to be given.

Who may subscribe.

Number of shares to be subscribed.

When books shall be closed.

When letters patent may issue.

Style of company.

Powers and privileges.

think proper, if such enlargement shall be found necessary to fulfil the intent of this act. and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid.*

Notice of the time & place for organizing the corporation to be given.

Officers to be chosen.

May make by-laws.

Proviso.

That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in two of the public papers printed in the city of Pittsburg, of a time and place, by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy, duly authorised, one president, six managers and one treasurer, to conduct the business of the said company for one year, and until such other officers be chosen. And the stockholders of the said corporation may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided always*, That no person shall have more than five votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under that number.

May enter in and upon lands and enclosures, &c.

Shall have like powers, &c. as the Harrisburg & Pittsburg turnpike company.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be lawful to and for the said president and managers, their superintendants, surveyors, artists and chain bearers, to enter in and upon all and every, the lands, tenements and inclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and examine the ground most proper for the purpose, as well as the materials in the vicinity that may be necessary in making and constructing the said turnpike road; and to survey, lay down, ascertain, mark and fix such route or tract for the said road, as in the best of their skill and judgment, will combine shortness of distance, with the most practicable ground; and generally, they shall have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road; for the collection of stock, penalties, fines and forfeitures, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures; and be entitled to like tolls and profits in proportion to the distance, as are given and granted to the president and managers of the Harrisburg and Pittsburg turnpike road company, by an act passed the twenty-fourth day of February, one thousand eight hundred and six: *Provided*, That no toll shall be demanded or taken

from any person passing or re-passing from one part of his farm to another; or to or from any place of public worship, funeral, militia training, general or special election, or from any student or child going to, or from any school or seminary of learning: But nothing herein contained shall be so taken or construed as to exempt wagons employed in the carriage of coal from payment of tolls as aforesaid.

SECT. 5. *And be it further enacted by the authority aforesaid,* That as soon as the company shall have been organised as aforesaid, they shall proceed to lay out and make said road from the south end of the Monongahela bridge, to the top of the Coal Hill, so as to intersect the road from Birmingham towards Brownsville; and shall cause the same to be made at least fifty feet in width, and at least twenty-two feet thereof shall be made an artificial road, constructed of stone, slate or gravel, and shall be well and sufficiently ditched, so as to carry off the water, and to keep the road in its foundation firm and dry, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and as soon as the said piece of road shall have been completed as aforesaid, the president and managers shall give notice thereof to the governor, who shall thereupon nominate and appoint three skilful, disinterested and judicious persons, to view and examine the same, who shall be under oath or affirmation, and report to him whether the road is made and executed in a competent and workmanlike manner, and according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand, and the seal of the commonwealth, permit and suffer the president and managers to erect, and fix a gate upon and across the said road; to collect the tolls which the company shall be entitled to demand and receive: *Provided,* That if said company shall not proceed to carry on said work within two years after the passage of this act, or shall not within four years thereafter complete the same, then, or in either of these cases, all and singular, the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth.

Route of the road.

How to be made.

When completed, governor to appoint viewers.

Who are to be under oath.

When license to take toll may issue.

Proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—February the nineteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXIII.

AN ACT

For the relief of Peter Betz, James M'Cune and George Rogers, revolutionary soldiers.

Gratuity and
annuity gran-
ted to Peter
Betz.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay to Peter Betz, or order, of Dauphin county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three.

Ditto, to
James
M'Cune.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required to pay to James M'Cune, or order, of Northumberland county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three.

Ditto, to
George Bo-
gers.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be, and he is hereby authorised and required to pay to George Rogers, or order, of Lancaster county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—February the nineteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXIV.

A Supplement

To an act entitled, "An act to incorporate a company for making a turnpike road from Butler to the Allegheny river, opposite Kittanning."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when three hundred shares of the stock of "The Butler and Kittanning turnpike road company," shall have been subscribed by twenty or more persons, agreeably to the act to which this is a supplement, passed the second of April, one thousand eight hundred and twenty-two, it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers; and if the subscription be not full at the time, then those that shall afterwards subscribe, to the number of eight hundred shares, into one body politic and corporate, in deed and in law, by the name and style of "The president and managers of the Butler and Kittanning turnpike road company," according to the provisions of the act to which this is a supplement: *Provided nevertheless,* That in no case whatever, shall the neglect or refusal of any person or persons subscribing to the stock of said company, in his own or any other name, to pay to the attending commissioner or commissioners, the sum of two dollars for every share subscribed, agreeably to the proviso of the first section of the act to which this is a supplement, be construed to exonerate the person or persons subscribing, in manner aforesaid, from payment of the amount due on the share or shares which he or they respectively may have subscribed.

When letters patent may issue.

Style of the company.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act as is hereby altered and supplied, be, and the same is hereby repealed.

Repeal of part of original act.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives:

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the nineteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXV.

AN ACT

Directing the payment of certain debts therein specified.

Preamble.

WHEREAS the sum of one hundred and fifty thousand dollars was borrowed by the governor, under the provisions of the act of the twenty-third of March, one thousand eight hundred and eighteen, to wit: fifty thousand dollars on the tenth of April, one thousand eight hundred and eighteen, fifty thousand dollars on the twenty-seventh of November, and fifty thousand dollars on the twenty-first of December, of the same year; which said loans, by the terms of the act authorising the same, were to be reimbursed within four years from the time they were respectively negotiated, and the faith of the commonwealth was pledged by the act, for the redemption of the said loans within four years from the time they were respectively made.

AND WHEREAS, the Governor did not within the period limited by said act, direct the State Treasurer to reimburse the same, as has heretofore been the practice under similar laws,

Therefore,

\$100,000
loaned from
the Philadel-
phia bank to
be paid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be, and he is hereby directed to draw his warrant or warrants on the State Treasurer, in favor of the Philadelphia bank, for the sum of fifty thousand dollars, which became due to that bank on the tenth of April last; and for the further sum of fifty thousand dollars, which became due on the twenty-seventh of November last, with interest since the times those debts respectively became due, until the date of such warrant or warrants.

\$50,000 from
the bank of
Pennsylvania
to be paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor be, and he is hereby directed, to draw his warrant on the State Treasurer, in favor of the bank of Pennsylvania, for the sum of fifty thousand dollars, now due that bank, with interest from the time it became so, until the date of such warrant.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

I do certify, that the bill entitled "An act directing the payment of certain debts therein specified," which has been returned by the Governor, with his objections, to the house of representatives in which it originated, was re-considered and agreed

by two-thirds of the house of representatives, on the twenty-first day of February, Anno Domini one thousand eight hundred and twenty-three, and that the foregoing is the act so agreed to by the said house.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

Attest,

FR. R. SHUNK, *Clerk.*

I do certify, that the bill entitled "An act directing the payment of certain debts therein specified," which has been disapproved by the Governor, and returned with his objections, to the house of representatives in which it originated, was approved by two-thirds of the senate, agreeably to the constitution, on the twenty-first day of February, one thousand eight hundred and twenty-three, and that the foregoing is the act so approved by the senate.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

Attest,

JOHN DE PUI, *Clerk of the Senate.*

CHAPTER XXXVI.

AN ACT

To incorporate the Musical Fund Society, of Philadelphia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William P. Dewees, Robert M. Patterson and John K. Kane, and their associates, subscribers to the association called the Musical Fund Society of Philadelphia, and all such persons as are now or may be hereafter admitted members of the same, shall be, and they are hereby declared to be, a body politic and corporate, by the name and style of "The Musical Fund Society of Philadelphia;" to have perpetual succession, to use a common seal, and to break, alter and renew the same at pleasure, and to take, hold and enjoy lands, tenements and hereditaments: *Provided,* That the clear yearly value of the real estate by them held, shall not exceed two thousand dollars.

Corporation.

Style.

Powers.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the essential object of the said corporation, shall be the relief of decayed musicians and their families, and the cultivation of skill and diffusion of taste in music.

Object of corporation.

- Divided into two classes, professors & amateurs.** **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the members of the said corporation shall be divided into two classes, of which, one shall be styled the class of professors, and the other, the class of amateurs; that no pecuniary relief shall be granted from the corporate funds, unless the applicant for the same shall have been a member of the class of professors, during at least three years immediately preceding his or her application, or unless the applicant shall be the widow, child or legal representative of a deceased member, to whom, at the time of his or her decease, relief might have been granted under this section.
- To whom relief shall be granted.** **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the officers of the said corporation shall be a president, a vice-president, a treasurer, a secretary, twelve managers of the fund, twelve directors of the music, and such others as the said corporation shall think needful; the said officers shall constitute a joint board of officers, which, in the intervals of the meetings of the corporation, shall have and exercise all the powers of the corporators, except so far as may be limited by the by-laws and ordinances of the corporation. The said officers shall be chosen at an annual meeting of the corporation on the first Tuesday of May. If an election shall not be held at the time appointed, the corporation shall not, for that cause, be dissolved, but an election shall be held as soon afterwards as may be; and it shall be the duty of the secretary to give public notice of the time and place of holding such election, and until such election the officers in place shall continue to act; the present officers of the said association are hereby constituted the officers of the corporation, and shall continue to hold and exercise their respective offices till others are substituted.
- Officers of the corporation.** **SECT. 5.** *And be it further enacted by the authority aforesaid,* That until otherwise provided by the by-laws of the corporation, twenty members shall constitute a quorum for the transaction of business, at the annual and other meetings of the society.
- To be chosen annually.** **SECT. 6.** *And be it further enacted by the authority aforesaid,* That the said corporation shall have power to assess and levy an annual contribution on all the members thereof: *Provided,* That the same shall not be less than one dollar, nor more than ten dollars, to commute for the said annual contribution by a gross payment, which shall, in no case, be less than fifty dollars for a professor, or twenty-five dollars for an amateur, to impose penalties for the non-payment of the said contribution, at the times when the same shall be due: *Provided,* That no penalty shall be inflicted, that will exceed the amount of the money imposed, and the expulsion of the member thus neglecting to make payment.
- If no election be held, corporation not to be dissolved.** **SECT. 7.** *And be it further enacted by the authority aforesaid,* That the character, duties and rights of the several classes of members, the powers and functions of the officers herein mentioned, and of all those who may hereafter be appointed, the mode of supplying vacancies in office, the times of meeting and
- Present officers continue.**
- Quorum.**
- May assess and levy contributions.**
- Proviso.**
- 2d proviso.**
- Concerns of the corporation, how regulated.**

the said corporation, the numbers which shall constitute the quorum at the meetings of the corporation, and of the several boards and committees respectively; the terms of admission, the mode of electing members, the causes which shall justify the suspension or disfranchisement of a corporator, and the other concerns of the said corporation, shall be regulated by the by laws and ordinances of the same hereafter to be made, which the corporation is hereby authorised and empowered to make: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution or laws of this state, or of the United States. Proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-second, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXVII.

AN ACT

For the relief of Jacob Sigler, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay to David Good, of Lancaster county, or order, for the use of Jacob Sigler, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars during the life-time of said Jacob Sigler, to be paid half yearly; to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-second, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXVIII.

AN ACT

To authorise the review of part of the state road from the borough of Orwigsburg to Milford, in the county of Pike.

Authority to
grant a re-
view.

Compensa-
tion of view-
ers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of quarter sessions of the county of Schuylkill shall have authority, upon application by petition to them made, to grant a review of so much of the state road from the borough of Orwigsburg, in the county of Schuylkill, to Milford, in the county of Pike, as is laid out from the said borough of Orwigsburg, to the division line between Schuylkill and Northampton counties, and lay out the same on other ground, if they think the interest of the community would be thereby promoted; and at the same time to have power to vacate so much, or any part of the said road laid out between the borough of Orwigsburg and the division line of the counties of Schuylkill and Northampton, and which they shall judge to be useless, inconvenient and burdensome; and the said court shall proceed therein by view and reviews thereof, in the same manner as they are authorised to do, and is usually practised in laying out public roads and highways, which shall be located on such ground that when made, will not in any part, exceed an angle of five degrees elevation with a horizontal line. And the said viewers shall be entitled to the same compensation as reviewers receive when employed in laying out county roads.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-second, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XXXIX.

A Further Supplement

To an act entitled, "An act to incorporate the city of Lancaster."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

That the act entitled, "A supplement to an act to incorporate the city of Lancaster," passed the twenty-fourth day of February, one thousand eight hundred and twenty, be, and the same is hereby continued in force for and during the term of two years, from and after the twenty-fourth day of February, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-second, one thousand eight hundred and twenty-three,

JOSEPH HIESTER,

CHAPTER XL.

AN ACT

Fixing the compensation of the inspector of staves and heading.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inspector of staves and heading shall be entitled, from and after the passing of this act, to receive seventy-five cents per thousand, for inspecting and culling pipe and hogshead staves and heading. Compensation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of an act entitled, "An act to regulate inspections," passed the twenty-seventh of March, eighteen hundred and twenty-one, as relates to the inspection of pipe and hogshead staves and heading, be, and the same is hereby repealed. Repeal.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLI.

AN ACT

To authorise the removal of the persons now confined in the Prune street apartment of the prison, of the city and county of Philadelphia, to the county prison in Arch street, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That, as soon as the prison in Arch street shall be prepared and fitted up for the admission of prisoners, the inspectors of the prison of the city and county of Philadelphia, shall cause to be removed thereunto, all persons that may then be confined in the Prune street apartment, under the denomination of prisoners for trial, vagrants, fugitives from service, runaway or disorderly apprentices, and all such other description of persons as have been heretofore confined in the said Prune street apartment, and to receive into the said prison in Arch street, all persons of the aforesaid description, that may be hereafter legally committed, and that thenceforth the Prune street apartment shall be annexed to, and made a part of the penitentiary, to be used as a place for the safe keeping of such convicts as the inspectors may deem proper to place therein, and for such other purposes connected with the supervision of the said prison, as the said inspectors may designate and appoint.

Prisoners in the Prune street apartment in Philadelphia, to be removed to the prison in Arch st.

Prune street apartment to be part of the penitentiary.

Prison in Arch st. to be managed by the inspectors of the prison of the city & county of Philada.

Keepers to be appointed.

Inspectors of the prison authorised to erect stepping mills.

Expenses, how paid.

Salary of the keeper of debtors apartments.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said prison in Arch street, shall be managed and governed by the inspectors of the prison of the city and county of Philadelphia, for the time being, under the same laws, rules and regulations, as are now in force for the government of the prison of the city and county of Philadelphia, so far as relates to the description of persons confined in the Prune street apartment, and that the said inspectors be, and they are hereby authorised, from time to time, to appoint the requisite keepers and fix their salaries, and to remove them from time to time as they may deem proper.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the inspectors of the prison of the city and county of Philadelphia be, and they are hereby authorised, to erect a stepping mill or mills in either of the prisons of the city and county of Philadelphia, to be used as a species of hard labor, for such male prisoners as are liable to be placed to such punishment, and the commissioners of the county of Philadelphia are hereby authorised and required to pay the expenses of erecting the same.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the keeper of the debtors apartments, in the city of Philadelphia, shall have and receive the annual sum of seven hundred dollars, in quarterly payments, in lieu of all fees from the coun-

ty stock, for his care, trouble and services, and that of his assistant or assistants, in the said office, on orders to be drawn from time to time, by the commissioners of Philadelphia county, on the treasurer of that county.

By whom paid.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of "An act to authorise the removal of the prisoners confined in the jail or debtors apartment, of the city and county of Philadelphia, to the new prison, and for other purposes," passed March thirteenth, eighteen hundred and sixteen, and so much of any act or acts as are hereby altered or supplied, be and the same are hereby repealed.

Repeal of parts of former acts.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLII.

AN ACT

to authorise the election of one constable in each of the election districts of St. Clair township, Allegheny county, and regulating the election of other township officers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of the township of St. Clair, in Allegheny county, shall annually, on the day appointed for holding elections for constables, be authorised and directed to elect in each of the election districts of the said township, for supervisors of the roads, overseers of the poor, and township auditors, and town clerk; the elections to be held at the same places in said districts that elections for members of assembly are held, and the persons appointed judges of such elections are hereby required to make certified returns of the election in each district, so far as relates to supervisors of the roads, overseers of the poor, and township auditors, and town clerk, and on the Tuesday subsequent to an election, one at least of the judges of each district, shall convene at the usual place of holding elections in M'Cully's

Supervisors of the roads, overseers of the poor, &c. authorised to be elected in each election district of St. Clair township.

Returns of elections how made.

And persons
elected, how
ascertained.

One constable to be
elected in
M'Cully's
district.

And one in
Birmingham
district.

Proviso.

The electors
of each election
district in said township
authorised to elect
an inspector
and assessor.
Of assistant
assessors.

Manner of
ascertaining
who are elected.

And of conducting
elections.

district, between the hours of one and six in the afternoon; and the said judges shall then and there proceed to compare the votes given in their respective districts, and ascertain the persons elected, and make a certified return of the election to the supervisors in office, who shall deliver the certificate to the clerk of the quarter sessions.

SECT. 2. *And be it further enacted by the authority aforesaid.* That the electors of the said township of St. Clair, shall annually, on the day appointed for the election of constables in the township aforesaid, elect four persons, inhabitants of said township, to wit: Two by the electors residing in M'Cully's district, the election to be held at M'Cullys, in said township; and two by those residing in the district usually called the Birmingham district; the election to be held where the elections for members of the legislature are held; and the names of the persons elected in each district shall be returned to the general court of quarter sessions in and for the said county, in order that the said court may appoint two of the persons so elected, constables: *Provided*, That one of the persons so appointed shall have been elected by the electors of M'Cully's district, and the other by those residing in the Birmingham district.

SECT. 3. *And be it further enacted by the authority aforesaid.* That the electors of the township of St. Clair shall annually, on the day appointed by law for holding elections for inspectors and assessors, be authorised to elect in each of the election districts of said township, one person for inspector of the general election, and one person for assessor; and at the election previous to the triennial assessment, two persons as assistant assessors; the elections to be held at the same places in said districts that elections for members of assembly are held. And the judges of such elections shall make certified returns of the elections in each district, so far as relates to assessor or assessors, and assistant assessors, as the case may be; and on the Tuesday subsequent, one at least of the judges of each district shall convene at the place where the election shall have been held, in M'Cully's district, between the hours of one and six in the afternoon, and shall then and there compare the votes given in their respective districts, and ascertain the person or persons elected, and make a certified return of the election to the commissioners of the county, and in all other respects, the elections in said district shall be held and conducted in the manner now directed by law, for similar elections.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—February the twenty-fourth, one thousand eight hundred and twenty-three,

JOSEPH HIESTER,

CHAPTER XLIII.

AN ACT

appropriating certain taxes, arising on unseated lands, for the improvement of certain state roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That, from and after the passage of this act, one half of all the road taxes arising on unseated lands, in the townships through which the road, laid out under an order of the court of quarter sessions of the peace of Luzerne county, from the borough of Wilkesbarre, through Hartzoff's hollow, to the line between the counties of Luzerne and Bradford, in the direction of Meansville, in Bradford county, shall be appropriated for the term of four years, for the purpose of opening and improving said road; and it shall be the duty of the county treasurer, of Luzerne county, to keep the said taxes so appropriated, in a separate fund, and to pay them over to the persons appointed, as hereinafter provided to lay out said taxes.

Certain taxes appropriated for opening and improving the road from Wilkesbarre, thro' Hartzoff's hollow, &c.

Duty of treasurer of Luzerne county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, one half of the road taxes arising from unseated lands in the township of Assylum, and one third of the road taxes, arising on unseated lands in the township of Monroe, in the county of Bradford, through which the road mentioned in the preceding section passes, shall be appropriated for the purpose of opening and improving said road, for the term of three years. And it shall be the duty of the treasurer of the county of Bradford, to keep the taxes, appropriated as aforesaid, in a separate fund, and pay over the same to the persons appointed as hereinafter provided, to lay out said money.

Certain taxes in Bradford county, appropriated for said road

Duty of treasurer of Bradford county,

SECT. 3. *And be it further enacted by the authority aforesaid,* That on application to the courts of quarter sessions of the respective counties, by the persons residing on said road for that purpose, in writing, the said courts respectively shall appoint two judicious and suitable persons, residing in the county where such application shall be made, whose duty it shall be to receive the said taxes so appropriated, from the county treasurer of the proper county, and in a reasonable time, to proceed to lay out the same, in the best and most proper manner, in opening and improving said road; and on the first day of January in each and every year, or within ten days thereafter, they shall render a correct account, under oath or affirmation, of all the monies received by them in pursuance of this act, as also of all the monies expended by them during the preceding year, agreeably to the provisions hereof, to the commissioners of the county in which the moneys shall be so expended, who are hereby author-

Courts of quarter sessions to appoint two persons to receive and lay out said taxes.

Accounts to be rendered under oath. How settled and adjusted.

Proviso.

Power of courts to remove persons appointed, &c.

Compensation.

Certain taxes in Luzerne county, to be appropriated for the improvement of the roads leading from Wilkesbarre to Harrisburg, & from Wilkesbarre to Lowrey town.

ized and directed to settle and adjust the same: *Provided*, That the persons appointed as aforesaid shall, before they enter upon the duties of their appointment, give bond to the commissioners of the proper county, with sufficient sureties, to be approved by the court of quarter sessions of the peace of said county, and filed by the clerk of said court, for the performance of their duties, and faithful application of the moneys, which shall come into their hands in pursuance of this act: *And provided also* That the said courts respectively, shall have power, as often as they may deem it expedient for the public good, to remove the persons so appointed, or any of them, and appoint others in the stead; and the persons appointed as aforesaid, shall receive, for each and every day necessarily spent by them, in the discharge of the duties of their appointment, the sum of one dollar, to be settled and allowed by the commissioners on settlement of the accounts.

SECT. 4. *And be it further enacted by the authority aforesaid* That from and after the passage of this act, all the road taxes arising on unseated lands, in the townships of Wilkesbarre and Hanover, in the county of Luzerne, and one half of the road taxes arising on unseated lands, in the townships of Newport and Sugarloaf, in the county aforesaid, shall be set apart and appropriated by the commissioners of said county, for the term of three years, one half thereof for the improvement of the stage road from Wilkesbarre to Harrisburg, by the way of Solomon's gap, Orwigsburg and Jonestown, within the limits of Luzerne county, and one half thereof to the improvement of the road from Wilkesbarre to Lowrey town, within the limits of said county, whenever the said road shall be established and confirmed by the court, said taxes to be laid out and expended under the direction of the commissioners of Luzerne county.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—February the twenty-fourth, one thousand eight hundred and twenty-three.

JOSEPH HLESTER.

CHAPTER XLIV.

AN ACT

Granting compensation to James Barrett, for a tract of donation land.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required to pay to James Barrett, of Columbia county, immediately after the passage of this act, three hundred dollars, in full, for compensation for a tract of donation land to which he was entitled for services rendered in the revolutionary war.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-fourth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLV.

AN ACT

To annul the marriage of Francis D. Cummins, and Esther his wife.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into by Francis D. Cummins, and Esther his wife, of the county of Dauphin, late of Baltimore, be, and the same is hereby declared to be null and void, and they are hereby set free and discharged from the marriage contract, and all duties and obligations arising under the same, as fully and absolutely as if they had never been joined in marriage.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLVI.

AN ACT

To authorise the printing of the pamphlet laws of this commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Secretary of the Commonwealth be, and he hereby is authorised and required, to contract with some suitable person or persons, for printing and furnishing three thousand copies of the laws of the present session of the legislature, at a rate not exceeding forty-five dollars per sheet for printing, paper, folding, stitching, covering and delivery; to be printed on number two, medium paper, with long primer type and brier side notes, each page to contain at least eighteen hundred m's, and the execution of the work generally, to correspond with former editions of the pamphlet laws; each of said copies to be stitched and covered in pamphlet form, and to be delivered at the office of the Secretary of the Commonwealth, within sixty days after the close of the present session.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLVII.

A Further Supplement

To an act entitled, "An act for the improvement of the state," passed the twenty-sixth day of March, one thousand eight hundred and twenty-one.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners named in the seventeenth section of the

act to which this is a supplement, be, and they are hereby authorised and empowered, and it shall be their duty, to cause to be removed all obstructions that may impede or injure the navigation of the Beaver river: *Provided*, That the owner or owners of dams on the said river, shall have six months, from and after the passing of this act, to bring their dams within the provisions of the first section of the act entitled, "An act to authorise any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams for mills or other water works," passed the twenty-third day of March, one thousand eight hundred and three.

All obstructions to the navigation of Beaver river to be removed.

Proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—February the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLVIII.

AN ACT

Authorising a review of the state road from the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same, from thence through the borough of Mercer to the state line, in a direction to Warren, and a review of the state road from the borough of Indiana to the mouth of Anderson's creek.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David Lawson, of Armstrong county, and John Parker, of Butler county, and James Gilkey, of Mercer county, be, and they are hereby appointed commissioners to review that part of the state road laid out from a point at or near the county line, between Armstrong and Jefferson, where the state road from Milesburg to Erie crosses the same, through the borough of Mercer to the Ohio state line, in a direction to Warren, which lays out of the borough of Mercer, so that the said road shall commence at some suitable point on the Susquehanna and Waterford turnpike road, west of Powers'.

Commissioners appointed to review part of the road from the county line between Armstrong and Jefferson through Mercer, &c.

Their duties.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall proceed to perform the duties enjoined on them by the first section of this act on or before the first of August next; and shall cause a draft of the survey of said road to be deposited in the office of the secretary of the commonwealth; and shall also deposit a copy of the same, in the office of the clerk of quarter sessions in each of the counties through which the road passes, on or before the first of October next, which drafts shall be records thereof; and from thenceforth, the road so located, shall be, to all intents and purposes, a public highway; and shall be opened and kept in repair by the supervisors of the highways of the respective townships through which it passes, and that part of said road rendered unnecessary shall be vacated.

Commissioners appointed to review the road from Indiana to the mouth of Anderson's creek.

SECT. 3. *And be it further enacted by the authority aforesaid,* That Samuel Bell and Meek Kelly, of Indiana county; and David Ferguson, of Clearfield county, be, and they are hereby appointed commissioners to review the road leading from the borough of Indiana to the northern turnpike road, at or near the mouth of Anderson's creek, in Clearfield county.

Their duties.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners, or a majority of them mentioned in the third section of this act, shall proceed to perform the duties enjoined on them on or before the first of August next; and shall cause a draft of the survey of said road to be deposited in the office of the secretary of the commonwealth, and shall also deposit a copy of the same in the office of the clerk of quarter sessions in each of the counties through which the road passes, on or before the first of October next, which draughts shall be records thereof, and from thenceforth the road so located, shall be to all intents and purposes a public highway, and shall be opened and kept in repair by the supervisors of the highways of the respective townships through which it passes, and that part of said road rendered unnecessary shall be vacated.

Manner of laying out the roads, if alterations be made.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the said viewers, or any two of them so appointed by this act for each respective road shall agree on making any alteration of the same, they shall proceed to lay out and make such alterations as they may think proper, by courses and distances as nearly on a straight line as the face of the country, and other important circumstances will admit; and shall be located on such ground that when made, will not in any part exceed an angle of five degrees elevation with a horizontal line; and that in case of death, resignation, inability or refusal to serve, of all or either of the said commissioners, it shall be the duty of the court of quarter sessions of the counties of Armstrong, Butler, Mercer, Indiana and Clearfield, to supply the same, by appointing a person or persons selected from said counties, where such vacancy may accrue.

Mode of supplying vacancies in the office of commissioner.

SECT. 6. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he enters upon the

duties of his appointment, shall take and subscribe before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties herein enjoined; and the justice shall file and preserve the same. And each of the said commissioners shall receive the sum of one dollar and fifty cents for each day he shall be necessarily employed in said work, together with reasonable allowance for chain carriers markers and provisions; and the accounts of said commissioners shall be adjusted and paid by warrants drawn on the county treasury, by the commissioners of the different counties through which the said roads may pass, proportioning the amount to be paid by each, to the distance which the said road passes through each of them.

Commissioners to be under oath.

Their compensation.

How and by whom paid.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—February the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XLIX.

AN ACT

Authorising the election of a constable in the borough of Bethany, in the county of Wayne.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the qualified electors of the borough of Bethany, in the county of Wayne, shall annually hereafter, at the place where they usually meet for the election of borough officers, on the day appointed for the election of constables in the different townships in this commonwealth, elect two reputable citizens of said borough, and return the names of the persons so elected to the next court of quarter sessions of said county, one of whom shall be appointed constable of said borough in the same manner, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables within this commonwealth; and the high constable of the said bo-

rough of Bethany is hereby authorised and required to give previous notice, and to hold the first election in said borough in pursuance of this act.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

APPROVED—March the eighth one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER L.

AN ACT

Vesting the corporation of the city of Philadelphia, and the corporations of the adjoining townships and districts in the county of Philadelphia, with additional powers.

SECT 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act it shall and may be lawful for the select and common council of the city of Philadelphia, the commissioners of the Northern Liberties, the commissioners of the district of Spring Garden, the commissioners of Kensington district, the commissioners of the district of Southwark, and the commissioners of the township of Moyamensing to pass such laws and ordinances as they may from time to time deem necessary for the good government and control of all pawn brokers, and persons who may keep oyster cellars, or sell oysters within the city, district or townships over which said council or commissioners may or have been elected to superintend: *Provided,* That such laws or ordinances shall not be contrary to the constitution or laws of the United States, or of this state.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

APPROVED—March the eighth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LI.

AN ACT

Authorising the commissioners of the State Penitentiary, erecting near Pittsburg, to alter a part of the plan of the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners for erecting a state penitentiary on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny, be, and they are hereby authorised so to alter the plan of the said penitentiary as to dispense with the culvert which the existing law requires to be constructed, and to make such arrangement relative to privies as shall be deemed by said commissioners most advisable.

Commissioners for erecting the Pittsburg Penitentiary authorised to alter the plan

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners be, and they are hereby directed to suspend the erection of the central building designated in the plan of said penitentiary, until the completion of the other part of the work; and they are authorised to suspend the erection of the said central building as long after the completion of the other part of the said penitentiary as they may deem proper.

May suspend the erection of central building.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the eighth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LII.

A Supplement

To the act entitled, "An act to establish a fourteenth judicial district, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the courts in Somerset county, which by law are directed

Time for
holding
courts in
Somerset
county alter-
ed.

Repeal.

to commence on the last Monday of November in every year, shall hereafter be commenced and held on the second Monday of December in each year, and continue two weeks if necessary.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, passed on the twenty-third day of March one thousand eight hundred and eighteen, as is hereby altered or supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the eighth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LIII.

A Further Supplement

To the act entitled, "An act to raise and collect county rates and levies."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

Duty of as-
sessors in the
city & county
of Philadel-
phia.

That it shall be the duty of the several assessors, who shall be elected in the city and county of Philadelphia, at the next election for that purpose, and every subsequent election, and they are hereby enjoined and required, to proceed to take the assessment required of them, or either of them, and to make return of the same to the county commissioners, on or before the fourth Monday of December thereafter. And it shall be the duty of the commissioners of the county aforesaid; annually, within ten days after the general election, to transmit to the respective township and ward assessors, within the city and county aforesaid, their precept, according to the provisions of the seventh section of the act of assembly, passed the eleventh day of April, one thousand seven hundred and ninety-nine, entitled, "An act to raise and collect county rates and levies." And in case the said assessors or their assistants, shall neglect or refuse to take the assessments and make the return as aforesaid, each and every assessor so neglecting or refusing, shall be fined in the sum

Duty of the
commission-
ers of the
county of
Philadelphia.

Penalty for
neglect in as-
sessors or
their assist-
ants.

of forty dollars; and the commissioners of the county aforesaid, are hereby authorised and required to levy and collect the said fine, and pay the same into the county treasury.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the assessors of the city and county of Philadelphia, to make return of the collectors to the commissioners of the said county, at the time they make a return of their assessments, into the office of the said commissioners. And if any assessor shall neglect or refuse to make the return as aforesaid, the commissioners of the said county are hereby authorised and required to appoint a proper person for collector: *Provided*, That the person appointed by the commissioners aforesaid, a collector for any township in said county, shall be a resident of the township for which he shall be so appointed a collector.

Assessors to make return of collectors.

In case of neglect, commissioners to appoint.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in all cases where any person may have been appointed a collector by the commissioners aforesaid, whose residence or freehold was not within the ward, district or township, for which such collector or collectors may have been appointed, such collector shall have the same power and authority to collect and enforce the payment of the taxes, and be subject to the same rules, regulations and penalties, as other collectors are subject to, under the several acts of the assembly, passed to raise county rates and levies, and the supplements thereto. And it shall hereafter be lawful for the commissioners of the said county, out of the returns made to them by the assessors under the second section of this act, to appoint the same person to be a collector for one or more wards or districts: *Provided however*, That no person shall be appointed a collector for more than three wards or districts in the city and county aforesaid.

Power of collectors appointed by the commissioners.

Collectors may be appointed for one or more wards or districts.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That no collector of the county tax, for the city and county of Philadelphia, who shall neglect or refuse to settle and pay off the whole amount due on former duplicates, on or before the first Monday in June, in the year one thousand eight hundred and twenty-four, and on the first Monday of June in every year thereafter, shall be continued a collector, except for the purpose of collecting and paying off the duplicate or duplicates for the preceding year or years; and the commissioners aforesaid are hereby authorised and required to appoint some other person collector in the place of the collector so defaulting. And the said commissioners are hereby required to have the proper duplicates ready to be delivered to the collectors aforesaid, on or before the first Monday in June annually; and in case the said commissioners shall have neglected, or refused to perform the said duty, each of them shall be fined in the sum of forty dollars, which fine the auditors of the said county are hereby required to have levied and collected, and paid into the county treasury.

Collector refusing to settle, &c. not to be continued as such, except, &c.

And another to be appointed.

Commissioners to furnish duplicates.

Penalty for neglect.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the treasurer, within the county of Philadelphia, shall be

Time for appointing the treasurer of the county of Philadelphia.

Of the treasurer in office.

So much of the act of 1822, as directs appeals to be held in commissioner's office repealed, so far as respects Lancaster county.

Repeal.

appointed on the first Monday in January next, and thenceforward annually, on the said first Monday of January, in the manner, and under the same regulations, as is already provided by law; and the treasurer in office, and whose time would expire on the first Monday in December, shall continue to perform the duties thereof until the said first Monday in January next, and the treasurer aforesaid, shall give to the commissioners of the said county, the security required by law for the period he shall be so continued in said office.

SECT. 6. *And be it further enacted by the authority aforesaid,* That so much of the act passed on the thirtieth of March, eighteen hundred and twenty-two, entitled "A further supplement to an act entitled 'An act to raise and collect county rates and levies,'" as prescribes that appeals directed to be held by the county commissioners, within their respective counties, in each of the two succeeding years after the triennial assessment shall be held in the commissioner's office in each county, be and the same is hereby repealed, so far as respects Lancaster county, and the commissioners of the said county are hereby authorised to hold such appeals, either in the court house of the proper county, or in some other public and suitable place to be fixed on by them in the city of Lancaster.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so much of any act as is hereby altered or supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the tenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIRSTER.

CHAPTER LIV.

A Supplement

To an act entitled, "An act to provide for the erection of an additional court within the city and county of Lancaster."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

That from and after the passing of this act, the county of Dauphin shall be added to, and form a part of the district composed of the city and county of Lancaster, and that a district court be held at Harrisburg, in and for the county of Dauphin, on the third Mondays in the months of February and December, the fourth Monday in May, and the first Monday after the second Tuesday in October, and that the president of the said district court of the city and county of Lancaster, shall have and exercise all the powers and jurisdictions within the county of Dauphin, that is given and granted to him in the city and county of Lancaster; and the said president, in addition to his present compensation, shall receive the same mileage as other president judges receive under the existing laws of this commonwealth.

Dauphin co.
annexed to
the district
of the city &
county of
Lancaster,

When courts
are to be held

Powers.

President to
receive mile-
age.

Writs of er-
ror may be
issued from
the supreme
court.

Prothonota-
ry, sheriff &
coroner.

Costs & fees.

Proviso.

Test day of
process.

June term of
the Lancas-
ter court
changed.

Powers of
the district
court.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases the final judgment of the said district court may be examined and affirmed, or reversed on a writ of error from the supreme court in a similar manner, and subject to the same limitations and provisions under which writs of error are now issued from the supreme court to the court of common pleas of the county of Dauphin.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the prothonotary for the time being of the court of common pleas of the county of Dauphin, shall perform all the duties of prothonotary of the said district court, and the sheriff and coroner for the time being of the county of Dauphin, shall obey all lawful orders of the said district court, and all the costs and fees now established by law in the courts of common pleas, shall be charged and payable in similar instances in the district court: *Provided,* That said prothonotary shall be subject to all the provisions and penalties of an act entitled "An act taxing certain offices," passed the tenth day of March, one thousand eight hundred and ten.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said court for the county of Dauphin shall be opened for the purpose of issuing mesne process on the third Monday of the present month, which shall be for that purpose a test day for all process issued or necessary to be issued in the said court relative to the first term.

SECT. 5. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the June term of the district court for the city and county of Lancaster, shall commence on the second Monday of June.

SECT. 6. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the district court for the city and county of Lancaster and county of Dauphin, shall have power to try, hear and determine all civil pleas and actions real, personal and mixed, and for the trial of all such pleas and actions, shall have and exercise the same powers, authorities and jurisdictions as are now vested by law in the court of common pleas for the county of Lancaster and county of Dauphin.

Register's
courts may
direct issues
to be tried in
district
court.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the register's courts of the counties of Lancaster and Dauphin, are hereby authorised in all such cases, wherein the said courts may deem it proper to direct an issue or issues to be tried in the district court for the city and county of Lancaster and the county of Dauphin; and whenever an issue is directed by the register's courts of the said counties, to be tried in the said district courts, the trial of such issue shall be had in the same manner as similar issues are tried in the court of common pleas of the said counties.

Time for
transferring
causes extended to six
months.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the time for transferring causes under the provisions of the act to which this is a supplement, from the court of common pleas of the counties of Lancaster and Dauphin, to the said district courts, shall be and the same is hereby extended to the term of six months, to be computed from and after the passage of this act or the institution of the suit or suits.

Limitation of
court.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster," passed the twenty-seventh of March, one thousand eight hundred and twenty, and the court hereby created for the county of Dauphin, be and the same is hereby continued in force for and during the term of four years, from and after the twenty-seventh day of March, one thousand eight hundred and twenty-four.

Governor to
appoint a
president.

SEPT. 10. *And be it further enacted by the authority aforesaid,* That the Governor shall be and he is hereby required on the twenty-seventh day of March, in the year of our Lord, one thousand eight hundred and twenty-four, or immediately thereafter, to appoint the president of the said district court, who shall receive a yearly compensation of sixteen hundred dollars, which shall be payable quarterly out of the state treasury.

His compensation.

Repealing
section.

SECT. 11. *And be it further enacted by the authority aforesaid,* That so much of the provisions of the act to which this is a supplement, as are hereby altered or supplied, be and the same are hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the tenth day of March, one thousand eight hundred and twenty-three,

JOSEPH HIESTER

CHAPTER LV.

AN ACT

confirming the election of managers for the Waynesburg, Greencastle and Mercersburg turnpike road company, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the election for managers of the Waynesburg, Greencastle and Mercersburg turnpike road company, held on the first Monday of November last, be and the same is hereby confirmed, and all the proceedings and acts of the managers so elected, or a majority of them, shall be as valid to all intents and purposes as if said election had, in all respects, been held agreeably to law; and the stockholders of said company are hereby authorised to elect, on the first Monday of November annually hereafter, six managers to conduct the concerns of said company for one year, or until others are duly elected: *Provided,* That in case it shall at any time happen that an election shall not be held on the day specified by law, the corporation shall not for that cause be dissolved; but it shall and may be lawful for said company on any other day, within sixty days thereafter, to hold an election for such officers as may be necessary for conducting the concerns of said company.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the tenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER,

CHAPTER LVI.

AN ACT

Authorising the election of an additional constable in the township of Donagall, in the county of Washington, and in the township of Providence, in the county of Bedford.

Donagall township, Washington county, authorised to elect two constables.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the township of Donagall, in the county of Washington, shall annually hereafter, at the place where they annually meet for the election of township officers, and on the day appointed by law for the election of constables in the different townships throughout this commonwealth, elect four reputable citizens of said township, two of whom shall reside in the town of West Alexander, and return the names of all the persons so elected to the next court of quarter sessions of said county, two of whom shall be appointed constables, one to reside in the town of West Alexander aforesaid, of said township, in the same manner, with like powers and authority, and be subject to the same regulations and penalties as are provided and contained in the laws that now exist, or that may hereafter exist, concerning constables within this commonwealth; and the acting constable of said township is authorised and required to give previous notice and hold the first election under this act.

Providence township, Bedford county, authorised to elect two constables.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the qualified electors of the township of Providence, in the county of Bedford, shall annually hereafter, at the place where they meet for the election of township officers, on the day appointed by law for the election of constables in the different townships of this commonwealth, elect four reputable citizens of said township, and return the names of the persons so elected to the next court of quarter sessions of said county, two of whom shall be appointed constables for said township, in the same manner, with like powers and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables within this commonwealth; and the acting constable of said township is authorised and required to give previous notice and to hold the first election under this act.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the tenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LVII.

A Further Supplement

To an act entitled "An act for the better employment, relief and support of the poor within the township of Germantown, in the county of Philadelphia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no inhabitant, rated, or liable to be rated, for any taxes for the support and maintenance of the poor of the township of Germantown, shall be deemed to be, by reason thereof, an incompetent witness for or against the managers for the relief and employment of the poor of the township of Germantown, in the county of Philadelphia, in any suit or action now pending, or which may hereafter be brought by or against the said managers, for any cause of action arising before or after the passing of this act.

Inhabitants liable to poor tax, to be competent witnesses in certain cases.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said managers, or a majority of them, may put out, as apprentices, to some trade or calling, all poor children who may become chargeable to said township, and whose parents are dead, without leaving property or kindred to provide for their children, or who, if living, shall be found unable to provide for them, males to the age of twenty-one and females to the age of eighteen years.

Managers of the poor may put out poor children as apprentices.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the tenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LVIII.

AN ACT

Authorising the court of Common Pleas of the county of Franklin, to do certain things therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

Authority to
appoint a
trustee to su-
perintend,
manage and
enter satis-
faction on a
certain judg-
ment.

That upon the application of William McKean, of the county of Franklin, or any person in his behalf, it shall be the duty of the court of Common Pleas of the said county, to grant a rule on the administrators of the estate of Alexander Scott, late of the borough of Chambersburg, in the same county, deceased, requiring them to be and appear before the said court, on a day certain, and shew cause, if any they have, why the said court shall not appoint some suitable person trustee to superintend, manage, and enter satisfaction on a judgment entered on the records of the said court, viz: to January term, 1821. No. 325, in favor of Thomas G. McCulloh, for the use of the said Alexander Scott, against the said William McKean.

If cause be
not shown,
&c. court to
appoint a
trustee to
take charge,
&c.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if cause be not shown why such trustee shall not be appointed, the said court shall appoint some suitable person trustee to take charge of the said judgment; and the said trustee is hereby vested with all the rights, powers and authorities which the said Alexander Scott, at and immediately before the time of his death, had and held in and to the same: *Provided.* That the said trustee give security, to be approved of by the said court, for the faithful discharge of his trust.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the tenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIBSTER.

CHAPTER LIX.

AN ACT

Appointing commissioners to lay out a state road from the Bridge over the Susquehanna river at Wilkesbarre, to Washington in the county of Columbia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same.* That John Bennet and Simon Tubbs, of Luzerne county, and Ezekiel Cole of Columbia county, be and they are hereby appointed commissioners to view and lay out, and mark a state road from the west end of the bridge over the Susquehanna river, at the borough of Wilkesbarre, in the county of Luzerne,

Commission-
ers appointed

Route of the
road.

by the nearest and best route through the township of Huntingdon, to the town of Washington in the county of Columbia, so that the ascent and descent of said road shall not in any place exceed five degrees from a horizontal line.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners appointed by this act, before they enter upon the duties hereby required of them, to take and subscribe an oath or affirmation before a judge or justice of the peace, faithfully and impartially to perform the duties hereby enjoined upon them, and shall receive two dollars each for every day they shall necessarily be employed in said work, together with a reasonable allowance for chain carriers and markers, and the accounts of the said commissioners shall be settled and adjusted by the commissioners of the respective counties through which the said road shall pass, and the expenses shall be defrayed by the respective counties in proportion to the distance they shall pass through the same, to be paid by the county treasurers on warrants drawn by the commissioners of the respective counties.

Commissioners to be under oath.

Their compensation:

Accounts how settled and paid.

SECT. 3. *And be it further enacted by the authority aforesaid.* That it shall be the duty of the said commissioners, after performing the duties required of them by this act, to make out draughts of said road, to be deposited by them in the office of the clerk of the court of quarter sessions of the peace in the respective counties through which the said road may pass, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and kept in repair, in all respects as other roads are opened and repaired, which are laid out in pursuance of an order of the courts of quarter sessions of the peace of the counties aforesaid, and the said commissioners appointed by the preceding section of this act, shall perform the duties herein required, on or before the first day of October next: *Provided,* That a majority of the commissioners aforesaid shall in all cases be competent to decide.

Draughts of the road to be made and deposited &c.

Provided:

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LX.

AN ACT

Authorising a review of part of the state road between the borough of Butler and Mercer.

Viewers appointed.

Draft to be made.

Compensation.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Negley, Jacob Mechling, senior, and Benjamin Wallace, be and they are hereby appointed viewers to review that part of the state road between the borough of Butler and Mercer, which lies between Butler and the farm of Alexander W. Galbraith, and to locate the said road in such way that it shall intersect the turnpike at a convenient point between the farm of Robert Wallace, and that of the aforesaid Alexander W. Galbraith, and to make such alteration in the location as shall be for the benefit of the public, reducing it so as not to exceed an elevation or depression of five degrees from a horizontal line, and the said viewers shall deposit in the office of the prothonotary of Butler county, a draft shewing the alterations and location of said road, and the road so located shall be opened and kept in repair by the townships through which it shall pass; and the viewers shall receive for their services one dollar per day, to be paid by the county of Butler.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER LXI.

AN ACT

To improve the navigation of the river Lackawaxen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the*

same, That it shall and may be lawful for Maurice Wurts, of the city of Philadelphia, his heirs and assigns, with his or their surveyors, engineers, superintendants, artists and workmen, to enter upon the river Lackawaxen, and any one of the streams emptying into the same, that may appear to the said Maurice Wurts, his heirs or assigns, most suitable for the purposes contemplated by this act, to open, enlarge or deepen the same, in any part or place thereof, in the manner which shall appear to them most convenient for opening, enlarging, changing, making anew, or improving the channel, and also, to cut, break, remove and take away all trees, rocks, stones, earth, gravel, sand, or other material, or any impediments whatsoever within the said river Lackawaxen and the branch thereof, which the said Maurice Wurts, his heirs and assigns, may select, and to use all such timber, rocks, stones, gravel, earth, or other material, in the construction of their necessary works, and to form, make, erect and set up any dams, locks, or any other device whatsoever, which the said Maurice Wurts, his heirs or assigns, shall think most fit and convenient, to make a good and safe descending navigation, at least once in every six days, except when the same may be obstructed by ice or floods, from or near Wagner's Gap, in the county of Luzerne, to, from, or near Rix Gap, in the county of Wayne, to the mouth of the said river Lackawaxen, with a channel not less than twenty feet wide and eighteen inches deep, for arks and rafts, and of sufficient depth of water to float down boats of the burthen of one hundred barrels, or ten tons: *Provided*, That no toll shall be demanded for any boat, vessel or craft in ascending said stream of water, unless the same is converted into a complete slack water navigation, as is authorised by this act.

Maurice Wurts, his heirs and assigns, authorised to improve the navigation of the river Lackawaxen.

Powers.

Proviso relative to taking toll.

SECT. 2. *And be it further enacted by the authority aforesaid*, That if any person or persons shall be injured by means of any dam or dams being erected under the provisions of this act, or the land of any person shall be inundated by swelling the water by means of any dam or dams, or any mill or other water works injured by swelling the water into the tail race of any such mill or other water works, which may have been erected in the said river Lackawaxen, or the branch thereof, which the said Maurice Wurts, his heirs and assigns, may use for the improvements authorised by this act; and if the said Maurice Wurts, his heirs and assigns, cannot agree with the owner or owners thereof as to the compensation to be paid for such injury, the same proceedings shall be had as is provided in the fourth section of this act; and the persons or jury valuing the damages, having been first sworn or affirmed, justly and impartially to assess the same, shall take into consideration the advantages which may be derived by such owner or owners from the navigation aforesaid, and if the owner of any such land, mill or water works shall be apprehensive that the same will be injured by any dam or dams then about to be erected by the said Maurice Wurts, his heirs or assigns, such owner may require the said Maurice Wurts, his

Damages occasioned by the erection of any dam or dams, how settled.

heirs or assigns, to give to him sufficient security for the payment of any damages that may be thereafter awarded to him under the provisions of this act, for or by reason of injury arising to him from such dam or dams; and after such requisition shall have been made in writing, it shall not be lawful for the said Maurice Wurts, his heirs or assigns, to proceed in the erection of such dam or dams, until such security shall have been given; and if the parties cannot agree upon the amount and sufficiency of the security, the same shall be judged of by the court of common pleas of the county in which such land, mill or water works may be situated.

AND WHEREAS, on examination and survey, it may appear to the said Maurice Wurts, his heirs or assigns, practicable and expedient to make a slack water navigation between the points aforesaid:

Therefore,

Authorised
to make a
slack water
navigation.

SECT. 3. *BE it further enacted by the authority aforesaid.* That it shall and may be lawful for the said Maurice Wurts, his heirs and assigns, if they shall think proper, to make a complete slack water navigation from or near Wagner's Gap aforesaid, or from or near Rix's Gap aforesaid, to the river Delaware, at or near the mouth of the river Lackawaxen, so as to admit a safe and easy passage for loaded boats, arks and other vessels, up as well as down the said river Lackawaxen, and any one of the streams emptying into the same, which the said Maurice Wurts, his heirs or assigns, may deem most suitable for such navigation, or by means of such collateral sluices and locks as they may devise for the purpose. And for the purpose of making such slack water navigation, the said Maurice Wurts, his heirs and assigns, shall have and possess the same powers, privileges and authority as is given to them by the first section of this act, to enable them to make a descending navigation.

Powers and
privileges.

May enter in
and upon and
occupy land,
&c paying
damages.

Mode of as-
certaining
damages
when parties
cannot agree.

SECT. 4. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the said Maurice Wurts, his heirs or assigns, to enter in and upon and occupy, for the purposes of said navigation, any land which may be suitable and necessary for erecting a lock, sluice, canal, tow-path, or other device; if the owner or owners of such land shall refuse to permit such entry and occupation and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to the same, it shall and may be lawful for the parties to appoint five suitable and judicious persons to estimate such damage, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies: But if they cannot agree upon such persons, or if the owner of such land shall neglect or refuse to join in such appointment within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state; or if the persons, or a majority of the persons appoint-

ed by the parties shall not, within thirty days after receiving notice of their appointment, file a report of their estimate in the Prothonotary's office of the court of Common Pleas of the county where the land lies, then and in either of these cases, either of the parties may apply to the court of Common Pleas of the proper county where the land lies, and the said court shall award a *venue*, directed to the sheriff, requiring him to summon a jury of disinterested men, in order to ascertain and report, under their oaths or affirmations, to the said court, what damages, if any, will be sustained by the owner or owners of said ground by reason of such lock, canal, sluice, tow path, or other device passing through his, her, or their land, which report, on being confirmed by the court, shall be taken as the measure of damage in such case: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the Prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and the court shall direct an issue to be formed to try the fact. And it shall be the duty of the jury, or five appraisers, as the case may be, in valuing any land, or in estimating the damage that may be done to the same, to take into consideration the advantages that will arise to the owner or owners thereof, from the said navigation. And on payment by the said Maurice Wurts, his heirs or assigns, to the owner or owners of such land, of the sum awarded by the five appraisers, or by the report of the jury, or by final judgment on appeal from such report, as the case may be, then it shall be lawful for the said Maurice Wurts, his heirs or assigns, by themselves, their superintendants, engineers, artists, or workmen, to enter in and upon and occupy such land for the purposes of said navigation, and there to dig, construct, make and erect such lock, sluice, canal, tow-path, or other device, as they may deem necessary.

Proviso as to appeal.

Duty of jury and appraisers.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said Maurice Wurts, his heirs and assigns, by and with their superintendants, engineers, artists, workmen and laborers, with their tools, instruments, carts, waggons and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near to the said river Lackawaxen, and the branch thereof, which they may select for their improvements, giving notice to the owners or occupiers of such lands, and from thence take and carry away any stone, timber, gravel, sand, earth, or other material, doing as little damage thereto as possible, and repairing any breach they may make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials so taken away, the amount whereof, if the parties cannot agree, shall be assessed and valued by any three disinterested freeholders, residing in the neighborhood, under oath or affirmation, to be appointed by the parties, or if they cannot agree in their appointment, then to be appointed by any disinterested justice of the peace of the proper county. And it shall be the duty of the said freeholders, to file

May enter in, to and upon lands to procure materials.

Damages, &c. how assessed

Either party
may appeal,

Proviso, as
to giving se-
curity for the
payment of
materials
previous to
their being
removed.

Dams not to
be extended
into the
stream, until
&c.

Slopes, a-
prons, &c. to
be construct-
ed.

Penalty for
neglecting
or refusing
to construct
or repair
slopes, &c.

How recov-
erable.

a report of their assessment within seven days after they shall have agreed upon the same, with a neighboring justice of the peace, by whom the same shall be entered upon his docket; and the said freeholders shall also within the said seven days, notify each of the parties, or the agent or attorney of the respective parties, of the name of the justice of the peace with whom their report has been filed, and either party may appeal from said report to the court of common pleas of the proper county, at any time within thirty days after the same shall have been so filed: *Provided, however,* That the owner of any stone, timber, gravel, sand or other material which the said Maurice Wurts, his heirs or assigns, may be about to remove as aforesaid, may require the said Maurice Wurts, his heirs or assigns, to give to him sufficient security for the payment of such valuation as may afterwards be put upon the same, or so much of the same as may be removed and appraised under the provisions of this section, and after such requisition shall have been made in writing, it shall not be lawful for the said Maurice Wurts, his heirs or assigns, to remove any of the said materials, until such security shall have been given, the amount and sufficiency whereof, if the parties cannot agree upon the same, shall be judged of by any disinterested justice of the peace of the township in which such materials may be situated.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said Maurice Wurts, his heirs and assigns, shall cause the guard walls, locks, gates and canal, to be erected and made at each respective situation, before the dam, intended for such situation, and to which the same are to be appurtenant, shall be extended into the stream so as to interfere with the rafting channel thereof.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said Maurice Wurts, his heirs and assigns, to make, construct and fix suitable and sufficient slopes and aprons, or other devices at each and every dam which he or they shall or may erect under the provisions of this act, in such place and part of the channel of the stream, and in such manner as shall enable rafts of any description, that can now be run in the other parts of the stream, when the same is in good rafting condition, to pass with safety over such dam or dams. And in case the said Maurice Wurts, his heirs or assigns, shall neglect or refuse to make and fix such slope or slopes, apron or aprons, device or devices as aforesaid, at any dam or dams by him or them constructed as aforesaid, or shall for a term of nine months, after notice in writing, neglect or refuse to amend, repair or reconstruct any slope, apron or other device of their own construction, which shall or may have become out of repair, he the said Maurice Wurts, his heirs or assigns, shall be liable to pay a fine not exceeding one hundred dollars, to be recovered before any justice of the peace of the proper county, to the use of such person or persons as shall have sustained damages by such neglect; and in case the said neglect shall be continued until the

next court of quarter sessions, after the expiration of the said nine months, then and in such case the said Maurice Wurts, his heirs or assigns, shall be liable to prosecution by indictment for the same, and on conviction thereof, it shall be lawful for the court to order the dam or dams, where such neglect shall have occurred, to be pulled down, destroyed, and completely removed out of the rafting channel of the stream, and the expense incidental to the pulling down or removal of such dam or dams, shall be paid by the said Maurice Wurts, his heirs or assigns; and the service of process under the provisions of this section, upon the toll gatherer of the proper county, at or nearest to the place where the neglect shall have occurred, shall be as good and as available in law, as if served upon the said Maurice Wurts, his heirs or assigns: *Provided however*, That this section shall not be construed to extend to or affect any dam or dams erected by the said Maurice Wurts, his heirs or assigns, at or above the highest point or place from which rafts can or do now run in the present natural or unimproved state of the river: *And provided further*, That this section shall not be so construed as to authorise boats, arks, craft or other vessels above the burthen of three tons, laden with merchandise, to evade the payment of the tolls fixed in this act, by passing over the slopes or aprons appurtenant to any dam.

Court may direct dams to be pulled down in certain cases.

Process may be served on toll gatherer.

Proviso.

2d Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That whenever any sluice or canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person or persons into two parts, so as to require a ford or bridge to cross the same, the appraisers or jury who shall inquire of the damages to be sustained in the manner directed by the fourth section of this act, shall find and ascertain whether a passage across the same shall be admitted or maintained by a ford or bridge, and on such finding the said Maurice Wurts, his heirs and assigns, shall cause a ford to be rendered practicable, or a bridge fit for the passage of waggon and carts, to be built and forever thereafter to be maintained and kept in repair, at all and every place or places so ascertained by the said appraisers and jury, at the cost and charges of the said Maurice Wurts, his heirs and assigns, but nothing herein contained shall prevent any person from erecting and keeping in repair, any foot or other bridge across any sluice or canal at his own expense when the same shall pass through his ground: *Provided*, That such foot or other bridges so to be erected by the owners of such land, shall not interfere with any sluice or lock or other works of the said Maurice Wurts, his heirs and assigns.

Proceedings where a ford or bridge may be necessary.

Proviso.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the said Maurice Wurts, his heirs or assigns, shall have the privilege and be entitled to use the water power from the said river Lackawaxen and the branch thereof, which they may use for the making of the navigation authorised by this act, and from their sluices or canals to propel such machinery as they may think proper to erect on the land which they may previous-

M. Wurts, &c. entitled to use the water power.

Proviso.

Descending navigation.

When viewers may be appointed and license issued.

Proviso, that the toll shall not exceed 3 cents per mile, &c.

2d Proviso.

Slack water navigation.

ly have purchased from the owner or owners, or may sell in fee simple, rent, or lease for one or more years, the said water power to any person or persons, to be used in such manner and on such terms as they may think proper: *Provided*, It be done so that it shall not at any time impede or interrupt the navigation.

SCOT. 10. *And be it further enacted by the authority aforesaid*, That as soon as the said Maurice Wurts, his heirs and assigns, shall have completed ten miles of the descending navigation authorised by this act, and so from time to time as they shall complete other ten miles, they may give notice thereof to the Governor of the Commonwealth, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons, having practical knowledge of river navigation, to view and examine the same, and to report to him in writing, under oath or affirmation, whether the said navigation is completed in the manner aforementioned, according to the true intent and meaning of this act, and if the report of them, or a majority of them, shall be in the affirmative, then the Governor shall, by license, under his hand and the lesser seal of the commonwealth, permit and suffer the said Maurice Wurts, his heirs or assigns, or such person or persons as they shall from time to time appoint as toll collectors, or their deputies, to demand and receive of and from the person or persons having charge of any boat, vessel, ark, craft, or raft, passing through any lock in said navigation, such tolls and rates for every ton weight of the ascertained burthen of the said boat, vessel, ark or craft, and for every one thousand feet, board measure, of boards, timber, plank or scantling, and for every ton weight of shingles, or other material in rafts, as the said Maurice Wurts, his heirs and assigns, may think proper: *Provided*, That the said toll shall not, in the whole, exceed the toll of three cents per mile for every ton of the ascertained burthen of such boat, vessel, ark or craft, and one-half that rate for every one thousand feet, board measure, of boards, timber, plank or scantling, and for every ton weight of shingles or other material in rafts.

And provided also, That where any dam, erected by the said Maurice Wurts, his heirs or assigns, at any point or place now passable or used for rafting purposes in the present natural or unimproved state of the stream, shall not be so constructed by means of a slope or other device, as to afford a safe and convenient passage over the same for rafts of timber, boards, scantling or shingles, when the stream in other respects is in a good rafting condition, such rafts of timber, boards, scantling or shingles, if they do not carry some article of merchandise, shall be permitted to pass the locks appurtenant to such dam, free from toll.

SCOT. 11. *And be it further enacted by the authority aforesaid*, That if, in pursuance of the authority herein given, the said Maurice Wurts, his heirs or assigns, shall determine to make a slack water navigation, then so soon as they shall have perfected one lock therein, and so from time to time as they shall perfect one additional lock, they may give notice thereof to the Governor of the Commonwealth, who shall thereupon appoint three

skillful, judicious and disinterested persons, having practical knowledge of river navigation, to view and examine that part said to be completed, and report to him in writing, under oath or affirmation, whether the said navigation is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if at any time their report, or the report of a majority of them, shall be in the affirmative, then the Governor shall, by license, under his hand and the lesser seal of this commonwealth, permit the said Maurice Wurts, his heirs and assigns, or such person or persons as he or they shall from time to time appoint as toll collectors, or their deputies, to demand and receive of and from the person or persons having the charge of the boat, ark, vessel, or other craft, passing through any lock erected by them in the completion of said navigation, twelve and one-half cents upon each and every ton of the ascertained burden of such boat, ark, vessel or other craft, and one half of the same for every thousand feet, board measure, of boards, timber, plank or scantling, and for every ton weight of shingles or other material in rafts: *Provided*, That where any dam, erected by the said Maurice Wurts, his heirs or assigns, at any point or place now passable or used for rafting purposes in the present natural or unimproved state of the stream, shall not be so constructed, by means of a slope or other device, as to afford a safe and convenient passage over the same for rafts of timber, boards, scantling or shingles, such rafts of timber, boards, scantling or shingles, if they do not carry some article of merchandise, shall be permitted to pass the locks appurtenant to such dam free from toll. *And provided also*, That if, at the expiration of two years after said slack water navigation shall be completed, the tolls should enable the said Maurice Wurts, his heirs and assigns, after paying all repairs and other necessary expenses, to divide more than nine per centum per annum on the capital sum expended, then and in such case the tolls shall be so reduced that the dividends shall not exceed nine per cent. and shall so continue for five years, and if, at the expiration of that time, they shall exceed fifteen per cent. they shall be so reduced as not to exceed fifteen per cent. and shall at that period be so regulated, from time to time, as not to exceed fifteen per cent. per annum; and if, at any time after the expiration of two years from the completion of the said work, the nett profits aforesaid, shall not amount to nine per cent. upon the money expended in the said work, it shall be lawful for the said Maurice Wurts, his heirs or assigns, to raise the said tolls so as to divide nine per cent.

When viewers may be appointed by the governor.

And license issued.

Rate of tolls.

Proviso.

2d Proviso, when tolls shall be reduced.

When they may be raised.

Proceedings in case the dams are not constructed agreeably to this act.

ACT. 12. *And be it further enacted by the authority aforesaid*, that in order to ascertain whether any dam or dams, erected under the authority of this act, have been constructed in the manner contemplated by the seventh section of this act, and also the second proviso to the tenth, and the first proviso to the seventh section of this act, it shall be the duty of the court of common pleas of the county in which any dam may be situated, on complaint of any citizen to said court, setting forth that such

dam is not so constructed as to afford a safe and convenient passage over the same for rafts of timber, boards, scantling or shingles, to appoint three reputable, judicious and disinterested persons to view and examine the same, and to report to the said court in writing, under oath or affirmation, whether the dam so complained of, is or is not so constructed as to afford a safe and convenient passage over the same for rafts of timber, boards, scantling or shingles; and if their report, or the report of a majority of them shall be in the affirmative, then it shall be lawful for the said Maurice Wurts, his heirs and assigns, to demand and receive from the person or persons having charge of any raft of timber, boards, scantling or shingles, passing through the lock appurtenant to such dam, toll according to the rate above established, but if their report, or the report of a majority of them shall be in the negative, then such rafts of timber, boards, scantling or shingles, unless they carry some article of merchandise shall be permitted to pass through the locks appurtenant to such dam, free from toll, until the same be made passable for rafts in the manner contemplated by the provisos above mentioned. And it shall be lawful for the said Maurice Wurts, his heirs or assigns to apply in like manner, at all times, to the court of Common Pleas of the proper county, for the appointment of viewers, and upon such application, the like proceedings shall be had as are above directed, upon the application and complaint of any citizen.

Mode of ascertaining and marking the size of rafts and tonnage of boats.

Proceeding in case the owner, &c. declines choosing, &c.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in order to ascertain the size of arks and rafts and the tonnage of boats, using and passing the said navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon request of the owner, skipper or supercargo of such boat, raft or ark, or of the collector of said tolls, at any lock upon the said navigation, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said raft or ark, and the tonnage the said boat is capable of carrying, and to mark the said tonnage so ascertained, in figures, upon the head and stern of the said boat in colors mixed with oil or other durable matter, and the said boat or vessel, so measured and marked, shall be permitted to pass through the said locks for the price to which the number of tons, so marked on her, shall amount, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper or supercargo of any ark, raft or boat shall decline choosing a person to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the said Maurice Wurts, his heirs or assigns, or chosen by the said collector of tolls, and the tolls shall be paid according to such measurement, before any such raft, ark or boat shall be permitted to pass the place where such toll is made payable.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly

to any act or thing whereby the navigation shall be impeded, or any dam, lock, gate, canal, engine, machine, property or device whatsoever thereunto belonging, shall be injured or damaged, or he, she or they so offending, shall forfeit and pay to the said Maurice Wurts, his heirs and assigns, four times the amount of the damages by them sustained, together with costs to be recovered by action of debt before a justice of the peace, or in any court of competent jurisdiction.

Penalty for impeding navigation or injuring any lock, &c.

SECT. 15. *And be it further enacted by the authority aforesaid.* That the locks shall be in the clear at least eighteen feet wide, and sixty-four feet in length, and it shall be the duty of the master or commander of any boat, ark or other vessel passing said navigation, when he shall arrive within one fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice to let the said boat, ark or other vessel pass without unnecessary delay and in safety, and if any boat, ark or other vessel shall be prevented from passing up or down any of said locks or sluices, by reason of the lock not being raised for more than thirty minutes, the said Maurice Wurts, his heirs and assigns, shall, on conviction thereof before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time, and the service of any civil process upon the toll gatherer in the proper county, and next to the place where the offence shall have been committed, shall be held as good and as available in law as if served upon the said Maurice Wurts, his heirs and assigns.

Dimensions of the locks.

Duty of master, &c. to blow a trumpet

Duty of keepers of the locks.

Penalty for not raising locks.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if the said Maurice Wurts, his heirs or assigns, shall neglect or refuse to keep in repair and good order, any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur, so that boats, arks, rafts or other vessels may safely use said navigation in the manner provided in this act, the said Maurice Wurts, his heirs and assigns, shall for every such offence, forfeit and pay the sum of one hundred dollars, to be recovered in the same manner as debts of equal amount are by law recoverable before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the township or county where the neglect may occur, and the service of process upon the toll gatherer in the proper county, and next to the place where the offence shall have been committed, shall be held as good and as available in law as if served on the said Maurice Wurts, his heirs or assigns: *Provided,* That the payment of such penalty shall not be taken to exempt the said Maurice Wurts, his heirs and assigns, from their responsibility, to any person who may be injured by such refusal or neglect.

Penalty for not keeping dams, &c. in repair, and not removing obstacles.

How recovered and payable.

Provide.

Penalty on owner, skipper, &c. for passing locks &c. without paying tolls.

How recovered.

When, and under what conditions the legislature may resume all the rights and liberties granted by this act.

Navigation to be completed in ten years.

SECT. 17. *And be it further enacted by the authority aforesaid,* That if any owner, skipper or supercargo of any boat or ark, craft or raft, shall pass by any place appointed for receiving tolls, without making payment thereof according to the provisions of this act, and with intent to defraud the said Maurice Wurts, his heirs and assigns, out of such toll, he, she or they so offending, shall forfeit and pay for every time they shall so pass by each appointed place, to the said Maurice Wurts, his heirs and assigns, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with the costs of suit.

SECT. 18. *And be it further enacted by the authority aforesaid,* That at the expiration of thirty years from the passage of this act, the said Maurice Wurts, his heirs or assigns, shall render under oath or affirmation to the legislature, an exact account of the amount of money expended by them in making said navigation and in keeping the same in repair, and also of the amount of tolls received by them during that time. And if it shall thereupon appear that the tolls during that time have amounted to so much above six per centum per annum on the amount of monies so expended, in making and in keeping in repair said navigation, as will be equal to the capital sum so expended, then the legislature may resume all the rights, liberties and franchises hereby granted, but if it shall appear that the tolls during that time have not amounted to so much above six per centum per annum on the amount of monies so expended in making and in keeping in repair said navigation, as will be equal to the capital sum so expended, then it shall be lawful for the legislature, on payment to the said Maurice Wurts, his heirs or assigns, of the difference or deficiency, to resume all the rights, liberties and franchises hereby granted, and in case of such resumption, the legislature shall be bound to fulfil all and singular, the obligations enjoined by this act on the said Maurice Wurts, his heirs or assigns. And if neither the descending nor the slack water navigation authorised by this act, shall be completed within ten years from the passage thereof, then the legislature may resume all the rights, liberties and franchises hereby granted to the said Maurice Wurts, his heirs or assigns.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXII.

AN ACT

Appointing commissioners to lay out a state road from Catawissa, in the county of Columbia, through Bloomsburg, to intersect the Susquehanna and Tioga turnpike, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Moore, of the county of Northumberland, Thomas Woodside, of the county of Columbia, and Jonathan Westover, of the county of Luzerne, be and they are hereby appointed commissioners to view, lay out and mark a state road, commencing at the town of Catawissa, where the state road leading from the centre turnpike to the said town of Catawissa ends, thence the nearest and best route through Bloomsburg, crossing the bridge at the point of the Nob mountain, to the Susquehanna and Tioga turnpike, at or near the house of Gad Seaward, in the township of Huntingdon, in Luzerne county, so that the ascent and descent of said road shall not in any place exceed five degrees from a horizontal line.

Commissioners appointed.

Route of the road.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation before some justice of the peace, faithfully and impartially to perform the duties enjoined upon them by this act, and shall receive one dollar and fifty cents for each day they shall necessarily be employed in said work; together with a reasonable allowance for a surveyor, chain carriers and markers, and the accounts of the said commissioners shall be adjusted and settled by the commissioners of the counties through which the said road shall pass, and the expenses shall be defrayed by the respective counties in proportion to the distance it shall pass through the same, to be paid by the treasurers on warrants drawn by the commissioners of the respective counties.

Commissioners to be under oath.

Compensation.

Accounts how settled and paid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of said commissioners, after performing the duties required of them by this act, to make out a draft of said road to be deposited in the office of the Secretary of the Commonwealth, and they shall also deposit a copy of said draft in the office of the clerk of the court of quarter sessions of the peace, in the respective counties through which the said road may pass, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and kept in repair in all respects as other roads are opened and repaired, which are laid out in pursuance of an order of the courts of quarter sessions of the peace of the counties aforesaid, and the said commissioners appointed

Drafts to be made, &c.

When commissioners shall perform, &c.

Appropriation for improving the said road.

by the first section of this act, shall perform the duties herein required of them, on or before the first day of August next.

SECT. 4. *And be it further enacted by the authority aforesaid,* That one third of the moneys appropriated by the sixty-seventh section of the act entitled "An act for the improvement of the state," passed the twenty-sixth day of March, one thousand eight hundred and twenty-one, for the improvement of the road from the foot of the north side of the little mountain on the branch of Catawissa and Centre road, over to where the same intersects the Centre turnpike road near the Mahanoy gap, as remains unexpended in the hands of the persons authorised by the said sixty-seventh section, to lay out said moneys, be and the same is hereby appropriated for the purpose of opening and improving the said Catawissa and Centre road, from the Catawissa bridge to John Yeager's tavern, on said road, the remaining two-thirds to be laid out and expended in opening and improving the road leading from the Catawissa to the Tioga turnpike road, by the persons authorised by the said sixty-seventh section of the act aforesaid, under the express provisions and conditions thereof, commencing where the road intersects the said Susquehanna and Tioga turnpike, and extending towards Bloomsburg and Catawissa.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXIII.

AN ACT

To repeal a part of the fifth section of an act entitled "A further supplement to an act entitled "An act to amend and consolidate with its supplements, the act entitled "An act for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the fifth section of an act entitled "A further supplement to an act entitled "An act to amend and consoli-

date with its supplements, the act entitled "An act for the recovery of debts and demands, not exceeding one hundred dollars, before a justice of the peace, and for the election of constables, and for other purposes," passed the twenty-eighth day of March, one thousand eight hundred and twenty, as provides that no person shall be permitted to serve as a constable, or as the deputy of a constable, more than two years in any term of three years, and that it shall be unlawful for any constable to serve as a deputy constable until the expiration of one year after he has ceased to be a constable, and that it shall also be unlawful for any deputy constable to serve as a constable, until one year after he has ceased to act as a deputy constable, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER LXIV.

AN ACT

To enable the guardians and trustees of Samuel Thompson, to dispose of his real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Hugh Brotherton and Jacob Grove, guardians and trustees of Samuel Thompson, an habitual drunkard, of St. Thomas township, in the county of Franklin, be and they hereby are authorised and empowered to sell and convey all the real estate of the said Samuel Thompson, wheresoever situated, in such manner and on such terms and conditions as to them may appear most just and reasonable: *Provided,* That before they make a sale, the said trustees shall give a bond, in the name of the commonwealth, in such sum as the court of Common Pleas of the said county shall direct, which shall be filed in the office of the Prothonotary, for the use of the parties interested.

Guardians
and trustees
authorised to
sell real es-
tate.

Proviso:

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said guardians and trus-

May purchase other real estate.

tees, to vest as much of the proceeds of the sale of the said real estate, in the purchase of other real estate, for the use of the said Samuel Thompson and his family, as to them may appear reasonable and proper.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXV.

A Further Supplement

To an act entitled "An act authorising the Governor to incorporate a company for making an artificial road from the borough of York, to the borough of Gettysburg, in Adams county."

Six managers only to be elected.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders of the York and Gettysburg turnpike road company, shall, from and after the passage of this act, elect six managers annually, and no more, to transact the business of said company.

Repeal.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied by the foregoing section, is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXVI.

AN ACT

For the relief of Peter Storm.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act entitled "An act for the relief of insolvent debtors," passed the sixth day of March, one thousand eight hundred and fourteen, and the several supplements thereto, with all their provisions, be and they are hereby extended to the case of Peter Storm, late of the borough of Hanover, York county, as fully and effectually, to all intents and purposes, as if the said Peter Storm had continued to reside in the said borough of Hanover.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the fifteenth day of March; one thousand eight hundred and twenty-three.

JOSEPH HIESTER

CHAPTER LXVII.

A Supplement

To the act entitled "An act altering the time of holding the courts in the seventh judicial district," passed the second day of April, one thousand eight hundred and twenty-two, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first Monday in May next, the courts of Common Pleas and Quarter Sessions, in the county of Montgomery, shall commence on the following days, in each and every year, to wit: on the third Monday in August, November, January and April.

Time of holding courts in Montgomery county, altered.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases, where the president judge of the ninth judicial

Relative to
holding spe-
cial courts in
Huntingdon,
Mifflin, or
Centre coun-
ties.

district shall appoint a time for holding special courts, in the counties of Huntingdon, Mifflin, or Centre, and shall not attend at the time appointed, it shall and may be lawful for one or more of the associate judges of the county, to adjourn the court, from time to time, or to fix and appoint any other time for holding such special court, according to the provisions of the first section of the act entitled "An act authorising the president judges of the ninth and fourth judicial districts, to try certain causes in the counties therein mentioned." passed the twenty seventh of March, one thousand eight hundred and twenty one.

Repeal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of any act or acts, as is hereby altered or supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER LXVIII.

AN ACT

To lay out a state road from Conyngham, in Luzerne county, to the Easton and Wilkesbarre turnpike, in the county of Northampton.

Commission-
ers appointed

Route of the
road.

Drafts to be
made.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That Isaac A. Chapman and Stephen Balliot, of the county of Luzerne, and James Shafer, of the county of Northampton, be and they are hereby appointed commissioners to lay out a state road, beginning at the town of Conyngham, in Luzerne county, thence on an easterly direction up the head waters of Little Nescopeck, thence by Swamp creek to strike the Lehigh at or near the mouth of Sandy Island run. thence across the Lehigh the nearest and best route to intersect the Easton and Wilkesbarre turnpike road in the county of Northampton; and the said commissioners shall proceed to perform the duties of their appointment, on or before the first day of September next, and shall make an accurate draft of said road, and deposit one copy thereof in the office of the clerk of the court of quarter sessions of each county through which the said road shall pass, and the said clerks

shall enter the same on record in their respective offices, which shall be a record of the said road, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and kept in repair in the same manner as roads laid out by order of the county courts.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation before some justice of the peace, faithfully and impartially to perform the duties enjoined upon them by this act, and shall receive one dollar and fifty cents each, for every day they shall necessarily be employed in said work, together with reasonable allowances for chain carriers and one marker; and the accounts of the said commissioners shall be adjusted and settled by the commissioners of the counties through which said road shall pass, and the expenses shall be paid by the respective counties in proportion to the distance said road shall pass through the same, the money to be paid by warrants drawn by the commissioners of the respective counties and paid by the Treasurer.

Commissioners to be under oath.

Compensation.

Accounts how settled and paid.

JOSEPH LAWRENCE. *Speaker
of the House of Representatives.*

WILLIAM MARKS, Junr.
Speaker, of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXIX.

AN ACT

For the relief of Conrad Hahnlen.

WHEREAS it has been represented to the legislature, that Conrad Hahnlen, an alien, residing since the year eighteen hundred and five, in the county of Lancaster, purchased certain real estate previous to the twenty-fourth March, eighteen hundred and eighteen. AND WHEREAS the said Conrad Hahnlen did, on the ninth February, eighteen hundred and twenty-three, file a declaration of his intention to become a citizen of the United States according to law.

Preamble.

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

Title to certain property confirmed.

That the title of Conrad Hahnlen to a certain house and two lots of ground, situated in the village of Bainbridge, in the township of Donegal, and county of Lancaster, be, and the same hereby is confirmed and made as good and valid in law as if the said Conrad Hahnlen had filed the said declaration of his intention to become a citizen of the United States previous to the purchase of the same.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXX.

AN ACT

For the relief of Lydia Lorain and her children.

Trustee authorised to sell real estate.

Proviso.

Proceeds of sale to be invested in stock, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Wilmer, surviving trustee, named in a certain deed of trust, made by and between John Lorain, and Lydia his wife, James Wilmer and J. A. McCutcheon, dated July eleven, eighteen hundred and ten, be and he hereby is authorised to sell and convey for the best price which can be obtained therefor, all the real estate held by the said James Wilmer, by virtue of the deed of trust aforesaid, and to make to the purchaser or purchasers thereof, good and sufficient titles for the same, discharged from the uses and trusts in the said deed of trust mentioned: *Provided,* That nothing herein contained shall be construed to authorise the said James Wilmer to convey any other or greater estate than that vested in him by the deed of trust aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said James Wilmer, be and he hereby is directed to invest the proceeds of such sale or sales in stock of the United States, of the state of Pennsylvania, of the city of Philadelphia, or in mortgages on unincumbered property, of at least double the value of the money intended to be secured, the said securities to be held by the trustee or trustees appointed or to be appointed, under the deed of trust aforesaid, subject to all

the uses therein specified: *Provided*, That before the said J. Proviso. Wilmer shall proceed to exercise the powers given, or perform the duties imposed by this act, he shall file in the orphan's court, for the county of Philadelphia, a bond with sureties satisfactory to said court. conditioned for the faithful performance thereof.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any of the children of the said John and Lydia, be or become of full age, it shall be lawful for the said trustee or trustees to pay over or transfer to such child or children, their share or proportion of the proceeds of the sale or sales aforesaid, to which they may be entitled under the provisions of the before-mentioned deed of trust: *Provided however*, That no such payment or transfer shall be made during the life of the said Lydia without her consent in writing being obtained thereto.

Children arriving at full age to receive their share, &c. Proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER

CHAPTER LXXI.

AN ACT

For the relief of the widow and legal representatives of William M'Kuown, deceased.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That so soon as the widow and children of age, and guardians of the minor children of William M'Kuown, late of Lancaster county, deceased, shall execute a release to the commonwealth of all their right, title and interest, of, in and to two certain tracts of land, numbered three thousand seven hundred and fifty-nine and three thousand seven hundred and seventy-three, situate partly in Jefferson and partly in M'Kean counties, sold on the twelfth day of March, eighteen hundred and eight, to the said William M'Kuown, as the property of John Nicholson, deceased, and deliver the same to the attorney employed by this commonwealth, to bring suit against the said William M'Kuown, now deceased, in the court of Common Pleas of Lancaster coun-

ty, to August term, 1812, No. 88, the judgment obtained in the said suit shall be released, on payment of the costs due thereon, by the executors of the last will and testament of the said William M^cKuown, deceased, and the attorney employed by the commonwealth as aforesaid, shall be authorised and is hereby required to release the same.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXII.

AN ACT

To authorise the Governor to incorporate the Juniata Bridge Company, in the county of Huntingdon.

Commissioners appointed to receive subscriptions of stock.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Blair, Christian Garber, Maxwell Kinkead, John Scott, Jacob Grove, William Kerr, Jr. William Jackson, Robert Allison, David Newingham, John M^cCahan, William Steel, Doctor John Henderson and John M^cConnell, of the county of Huntingdon, be and they are hereby appointed commissioners to perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first day of October next, procure one or more books for taking subscriptions of stock, and shall write therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company of the Juniata Bridge Company, in the county of Huntingdon, the sum of twenty-five dollars for every share of stock in said company, set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of assembly, entitled 'An act to authorise the Governor to incorporate the Juniata Bridge Company, in the county of Huntingdon.' Witness our hands the*

day of
A. D. one thousand eight hundred and " and
shall thereupon give notice in as many newspapers as may be

printed in the borough of Huntingdon, for at least one month of the times when and places where, the said books shall be opened to receive subscriptions of stock to the aforesaid company, at which times and places some one, or more, of the said commissioners shall attend for that purpose, and shall receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each day, whereof notice, as aforesaid, shall have been given, or until the said books shall have subscribed therein two hundred shares; and the said commissioners may adjourn, from time to time, until the whole number of shares aforesaid shall be subscribed.

Notice to be given of opening books.

Who may subscribe.

Whole number of shares.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed two hundred shares, the said commissioners, or a majority of them, shall certify, under their hands and seals, to the governor, the names of the subscribers and the number of shares subscribed by each, whereupon it shall and may be lawful for the Governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Juniata Bridge Company, in the county of Huntingdon;" and by the said name, the said subscribers shall have perpetual succession and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

When letters patent may issue.

Style & title

Powers and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the first five named persons in the letters patent, shall, as soon as conveniently may be after the sealing the same, give notice in as many news papers as may be printed in the borough of Huntingdon, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organise the said company, and shall choose by a majority of votes of the said subscribers by ballot, either in person or by proxy duly authorised, one president, six managers, one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, and from thence until the next annual election, and until other such officers shall be chosen and organised agree-

Notice to be given and corporation organised:

Officers to be chosen.

Mode of filling vacancies.

May make a seal.

And bye-laws

Proviso relative to voting.

2d Proviso.

Mode of filling vacancies in the office of treasurer.

Annual elections for officers.

How certificates of stock shall issue.

How transferable.

ably to the provisions of this act, and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy until the next annual election of said company, they may make and have one common seal, and the same may break and alter or renew at their pleasure, and may make such bye-laws, rules, orders and regulations not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each person shall be entitled to one vote for every share by him or her held, not exceeding five, but no share or number of shares above five shall entitle the holder thereof to more than two votes at any election or meeting of said company: *And provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting of said company shall have been fully paid and discharged.

SECT. 4. *And be it further enacted by the authority aforesaid*, That if any treasurer elected by virtue of this act, shall die, resign or refuse or neglect to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of his said office, it shall be the duty of the board of managers for the time being, to appoint some suitable person treasurer, which person so appointed shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the Tuesday succeeding the second Monday in January in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, of which notice shall be given as aforesaid, for the purpose of choosing such officers as aforesaid for the year ensuing the term of service of those previously elected.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for every share by him held on his paying to the treasurer on each share so held, the sum of ten dollars, which certificate shall be transferable in person or by attorney on the books of said company, only subject to the sum due or that may thereafter become due and payable.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the said president and managers, four of whom shall for all purposes be a quorum, shall keep minutes of all their

proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to agree with and appoint such engineers, superintendants, artists, and other persons, as they may think necessary, to erect the said bridges and collect the tolls hereinafter authorised, and to fix their compensation to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, to draw orders on the treasurer for all debts that may be contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the bye-laws, orders and regulations of the said company shall be entrusted to them.

Duties of the president & managers.

SECT. 8. *And be it further enacted by the authority aforesaid*, That if any stockholder, whether original subscriber or assignee, after thirty days notice, in as many newspapers as may be printed in the borough of Huntingdon, of the time and place appointed for the payment of any instalment or proportion of the said capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at a rate of two per centum per month for every delay of such payment, and if the same and the additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor, or in default of payment by any stockholder of any such instalment as aforesaid, for the space of sixty days as aforesaid, the said president and managers may, at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided always*, That the recovery, in any such suit, shall, in no case, exceed the amount of such instalment, or instalments, as may be due on such share, together with the accumulated penalty, at the rate aforesaid, as shall equal the sums before paid on the same share.

Penalty for neglect to pay instalments.

When shares may be forfeited.

Suits may be brought for instalments. *Proviso.*

SECT. 9. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said president and managers, by and with their superintendants, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which each of the said bridges shall be built, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done to any improvements thereon, upon a reasonable and equitable agreement by the parties, or if they cannot agree, then upon a just and equitable appraisement to be made, upon oath or

May enter in and upon lands.

Making amends for damages.

How damages shall be ascertained.

affirmation, by three disinterested freeholders; or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by any justice of the peace of the county of Huntingdon, not interested therein, and upon tender of the appraised value, to cut down, dig, take and carry away any timber, stone, sand, earth or other material necessary or suitable for the building of both, or either of said bridges.

**Company to
keep fair ac-
counts of mo-
nies receiv-
ed, &c.**

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said president, managers and company, shall keep fair and just accounts, as well of all monies received by them as of those paid, laid out and expended in the prosecution of said work, and shall, at least once in every year, pending the prosecution of said work, submit their books and accounts to a general meeting of the stockholders. And whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said bridges, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own bye laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under the like penalties as are provided by this act for the original subscription.

Number of shares may be increased.

**Property, &c.
when com-
pleted, vest-
ed in the
company.**

SECT. 11. *And be it further enacted by the authority aforesaid,* That when two complete bridges are erected over the Juniata river, where "The Huntingdon, Cambria and Indiana Turnpike Road" crosses the same, between Huntingdon and Alexandria, in the county of Huntingdon, or when one, or either of said bridges is completed as aforesaid, the property of the said bridge or bridges, as the case may be, shall be vested in the said company, as aforesaid. their successors and assigns forever; and it shall and may be lawful for said company, their successors and assigns, to erect a gate, or gates, and to demand and receive toll from travellers and others, at each of said bridges, agreeably to the following rates, viz:

**May erect
gates and
take toll.**

Rates of toll

For every carriage of whatever description, used for the purpose of trade or agriculture having four wheels, for each horse drawing the same,	6½
For every such carriage having two wheels, for each horse drawing the same,	5
For every carriage of whatever description used for the purpose of personal accommodation or pleasure having four wheels, for each horse drawing the same,	12½
For every Dearborn waggon drawn by one horse,	12½
For every chair or other two wheeled carriage of pleasure, for each horse drawing the same,	12½
For every sleigh or sled drawn by four horses,	25
For every sleigh or sled drawn by three horses,	20

For every sleigh or sled drawn by two horses,	18½
For every sleigh or sled drawn by one horse,	12½
For every horse, mare or gelding with a rider,	6¢
For every horse, mare or gelding without a rider,	4
Every carriage drawn by oxen or partly by oxen and partly by horses, to be rated in the proportion of two oxen for one horse, and in all cases a mule shall be rated the same as a horse.	

For every score of sheep or swine, - - - - - 12½

For every head of horned or muley cattle, - - - - - 2

And in no case shall it be lawful for the owner or driver of any horses or cattle, to lead or drive more than twelve head on either of said bridges at the same time: *Provided*, That any person or persons attending funerals, any military company, or detachment of this state or of the United States, persons attending divine worship on the Sabbath day, all persons going to or returning from any election or military training, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll.

Provide.

SECT. 12. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully ride, drive or lead any horse or other creature faster than a walk when crossing either of said bridges, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars to be recovered for the use of said company as fines of the same amount are by law recoverable.

Forfeiture
for riding or
driving faster
than a walk.

SECT. 13. *And be it further enacted by the authority aforesaid*, That if any gate keeper for said company, their successors or assigns, shall demand and collect any greater rates or prices for passing over either of said bridges than what is hereinbefore authorised, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered for the use of the person aggrieved, as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed.

Forfeiture
for demand-
ing and col-
lecting ille-
gal tolls.

Proviso.

SECT. 14. *And be it further enacted by the authority aforesaid*, That the said president, managers and company shall make and declare a dividend of the profits and increase of said bridges among all the stockholders, deducting first therefrom all contingent costs and charges and such proportions of the said income as they may deem necessary for a growing fund to provide against the decay, and for the rebuilding and repairing the said bridges, and shall, on the first Monday in May and November in every year, publish a dividend of the clear profits among the stockholders, and of the time when and place where the same shall be paid, and shall cause the same to be paid accordingly.

Dividends to
be declared
and paid.

SECT. 15. *And be it further enacted by the authority aforesaid*, That the said president and managers shall at the end of two years next after the said bridge or bridges shall be comple-

When an abstract of their accounts shall be laid before the legislature.

Tolls may be increased in certain cases.

When to be reduced.

ted, lay before the general assembly an abstract of their accounts, shewing the whole of the capital expended in the completion of said bridge or bridges. and of the income and profits arising from the toll received during that period, together with an account of all incidental costs and charges, in order that the clear yearly income and profits thereof may be ascertained and known, and if it shall then be made appear from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then and in that case it shall and may be lawful for the said president, managers and company to increase the tolls herein allowed, so much as will raise the dividends to six per centum per annum, and at the end of every three years thereafter, they shall render to the general assembly a like abstract of their accounts for the said three preceding years, and if at the end of such triennial period it shall, from such abstract appear that the clear profits and income of the said company will bear a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to ten per centum per annum.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXIII.

A Further Supplement

To an act entitled "An act to incorporate the district of Spring Garden."¹

Commissioners of Spring Garden authorised to erect market houses, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the commissioners of the district of Spring Garden, or a majority of them, to erect and build, or to cause and procure to be erected and built, in Callowhill street, between Sixth street and Seventh street, in the said district of Spring Garden, a mar-

ket house, or market houses, and a town hall, which market house, or houses, and town hall, shall be built in the centre of the said street, and no part thereof shall exceed twenty four feet in width; and also, that it shall and may be lawful for the said commissioners, or a majority of them, to make such rules and regulations for the well government of the said market house, or houses, and the market, or markets held therein, or in the said streets, as to them shall appear useful and necessary, and as shall not be inconsistent with the existing laws of this commonwealth. And it shall and may be lawful for the said commissioners of the said district of Spring Garden, for the purpose of carrying this section into effect, to borrow a sufficient sum of money, and in order to repay the same, or pay the interest thereof, to demise, lease and let the stalls, stands or places in the said market or or markets, market house or houses, and the rent thereof to receive and take and acquit. May borrow money for the above purpose.

SECT. 2. *And be it further enacted by the authority aforesaid,* That on the first Monday in May next, and annually thereafter, between the hours of two and five o'clock in the afternoon, it shall and may be lawful for the commissioners of the district of Spring Garden, or a majority of them, to elect, by ballot, one inspector of the prison of the city and county of Philadelphia, who shall be a taxable inhabitant of the said district of Spring Garden, which person, so elected, shall be inspector of the prison aforesaid, and be, together with the other inspectors, for whose elections the acts of assembly of this commonwealth have heretofore provided, or may hereafter provide, or a majority of them, shall constitute a board of inspectors for the prison of the city and county of Philadelphia. One inspector of the prison to be elected annually.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners of the district of Spring Garden, or a majority of them, shall have full power and authority to contract with the corporation of the city of Philadelphia, or any person or persons, bodies politic or corporate, for introducing the Schuylkill, or other wholesome water, into the said district; and the said commissioners of the district of Spring Garden, shall have full power and authority to raise, by way of loan, a sum sufficient to enable them to make the said contract for introducing the said water, to direct the manner in which the same shall be distributed to the inhabitants of the said district, and to impose and collect the water rents in the same manner as the water rents are or may be collected in the city of Philadelphia; to inflict penalties on any person or persons, who shall or may injure the pipes or conduits, or waste the water, and generally, from time to time, and at all times, to make, ordain and enact all such ordinances and laws, not inconsistent with the laws of this commonwealth, as shall be necessary to carry this act into full effect. Power to introduce wholesome water into the district. Further powers.

Justice of the
peace, or Al-
derman, not
to be an in-
spector.

SECT. 4. *And be it further enacted by the authority afore-
said, That no justice of the peace, or alderman, shall be eligible
to the office of inspector of the prison, of the city and county of
Philadelphia.*

JOSEPH LAWRENCE, Speaker
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight
hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER LXXIV.

AN ACT

Authorising supervisors to remove obstructions in navigable streams in
the county of Tioga.

SECT. 1. *BE it enacted by the Senate and House of Repre-
sentatives of the Commonwealth of Pennsylvania in General As-
sembly met, and it is hereby enacted by the authority of the same,
That from and after the first day of August next, it shall be the
duty of the several supervisors in the county of Tioga on com-
plaint being made, immediately to examine the streams within
the bounds of their respective townships, which have been or
shall hereafter be declared by law to be public highways, and as
soon as practicable to remove therefrom as often as they shall
exist, at the expense of their respective townships, all obstruc-
tions occasioned by trees falling into the same, or by driftwood
which may in any way obstruct or impede the navigation of said
streams, and the accounts of the supervisors shall be settled in
the same manner and allowed the same pay as are allowed by
law for making or repairing public roads.*

JOSEPH LAWRENCE, Speaker
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight
hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXV.

AN ACT

Declaring the streets, lanes and alleys in the town of Danville, in Columbia county, public highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same.* That the streets, lanes and alleys in the town of Danville, in Columbia county, are hereby declared public highways according to the plot of said town.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXVI.

AN ACT

To enable the Governor to incorporate a company for making a Canal and Lock Navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power to the said company to supply the said borough with water, and to insure against fire.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Zinn, John Forster, Jacob M. Haldeman, Obed Fahnestock, John Capp, Samuel Pool, Peter Keller, Robert Harris, John B. Cox, Abraham Oves, Christian Gleim, John S. Wiestling, William Le Barron, Jacob Bucher and John Gingerich, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall procure a book or books and therein enter as follows:

“We whose names are hereunto subscribed, do promise to pay to the president and managers of the Harrisburg canal, fire insurance and water company, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be de-

Commissioners appointed to receive subscriptions of stock.

terminated by the said president and managers, in pursuance of an act of the general assembly, entitled "An act to enable the Governor to incorporate a company for making a canal and lock navigation on the waters of the river Susquehanna, near the borough of Harrisburg, with power for the said company to supply the said borough with water, and to insure against fire. Witness our hands, the day of

in the year of our Lord, one thousand eight hundred and

Notice of the
time of open-
ing books to
be given.

Who may
subscribe,
&c.

Whole num-
ber of shares.

Proviso.

When letters
patent may
issue.

" And shall thereupon give notice, in the public newspapers printed in Harrisburg, and in such other newspapers as they shall think necessary, of the time and place, or places, (one or more of which shall be in Harrisburg,) when and where the said book or books shall be opened, to receive subscriptions for the stock of said company, at which time and places one or more of the said commissioners shall attend, and shall permit and suffer all persons, or bodies corporate, who shall offer to subscribe in the said book, or books, which shall be kept open for the purpose, at least six hours in every juridical day, for three days, if three days shall be necessary, and on the first of said days any person of the age of twenty-one years shall be at liberty to subscribe, in his own name, or in the name of any other person, or body corporate, by whom he shall be authorised, for any number of shares not exceeding ten; and on any succeeding day, while the said books shall remain open, for any number of shares of the said stock, and if, at the expiration of the said three days, the said book, or books, shall not have five thousand shares therein subscribed, the said commissioners may adjourn, from time to time and from place to place, until the said number of shares shall be subscribed; and when the number of shares aforesaid shall have been subscribed, the said books shall be closed: *Provided always*, That every person offering to subscribe in the said book, or books, in his own name, or in the name of any other person, or body corporate, shall, previously, pay to the attending commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the said company as soon as the same shall be organised and the officers chosen, as hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when fifty or more persons shall have subscribed not less than half the number of shares aforesaid, the commissioners aforesaid may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, and the amount paid on each share, to the Governor of this Commonwealth, and if it shall appear, from such certificate, that the subscriptions have been bona fide made, and the amount, called for at the time of subscription, actually paid, then the Governor shall, by letters patent, under his hand and the great seal of the state, create and erect the said subscribers,

And if the whole number of shares aforesaid be not then subscribed, then, also, all those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style and title of "The President and Managers of the Harrisburg Canal, Fire Insurance and Water Company;" and by such name the said subscribers, and such others as may thereafter become share holders, shall be capable of holding their said capital stock and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, goods, chattels, or effects, as shall be useful or necessary for them in the prosecution of their work, and the same to sell and dispose of, at their pleasure, and of doing every act, matter and thing which a corporation, or body politic, lawfully may or of right ought to do.

Style of the company.

Powers and privileges.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the seven persons first named in the said letters patent, shall, as soon as conveniently may be, give notice in the public newspapers printed in Harrisburg, and in, at least, one newspaper printed in each county in which the said books shall have been opened and subscriptions taken, (or if no newspaper be printed in any such county, they shall give notice in a newspaper printed nearest thereto,) and by at least three printed or written advertisements, set up in the most public places within such county, of a time and place by them to be appointed, not less than thirty days after publishing such notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy, one president, eight managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company, who shall continue in office until the next succeeding annual election, as hereinafter provided, and until such other officers shall be elected, and shall make such bye-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this state, as shall be necessary for the well ordering of the affairs of the said company: *Provided always,* That no person, or body corporate, shall have more than twenty votes, on his own account, in any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person, holding one or more shares, not exceeding the said number of twenty, shall be entitled to one vote for every share by him so held.

Mode of organising the company.

Officers to be chosen.

May make bye-laws, &c.

Provided.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers to cause a navigable canal, with such locks and other works as shall be necessary, and a road on each side thereof to

Canal to be made.

Route thereof. be made, commencing at the east side of the river Susquehanna, at some place between the house of the late John Carson, Esquire, and the end of the second Kittatenie mountain, from thence along or through the east side of the borough of Harrisburg, to the said river at the mouth of Paxton creek, or at some point between the same and Mulberry street, in the town of Harrisburg. But the president and managers of the said company, shall not erect any dam or other device in the said river Susquehanna, under the penalty of forfeiting their chartered privileges, unless by a special act of the legislature. And when the said canal shall be so made, to construct, erect and build such machinery and devices as may be necessary to conduct, by means of forcing pumps or otherwise, a sufficient quantity of water out of the said canal, through pipes, trunks or aqueducts, into a cistern or reservoir, not to exceed one hundred feet square, to be sunk or erected on the public ground near the state capitol, at such place as may be selected by the president and managers and approved of by the Governor, Secretary of the Land Office, and State Treasurer for the time being, for the purpose of supplying the said town therewith, to be used for extinguishing fires and for domestic and manufacturing use; and no part of the said reservoir or cistern shall be erected nearer than within one hundred feet of any of the public buildings. And the said company shall have privilege, when the said cistern or reservoir shall have been completed and filled with water, to convey by one or more pipes or aqueducts, as much water out of the same through the public ground and the several streets, lanes and alleys of the town as they may think necessary for the purposes aforesaid, to erect hydrants, and to alter, renew and repair any of the said works when necessary.

Not to erect any dam. &c.

Reservoir to be sunk or erected.

Privilege to convey water into the town &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That when the said water works shall have been completed and put into operation, the said company shall suffer individuals at all times to be supplied with water from the said hydrants and pipes for domestic and manufacturing use, for such reasonable compensation as shall from time to time be agreed on by the president and managers of the said company, and such individuals having due regard to the probable quantity of water which such individuals are likely to consume: *Provided,* That the several officers of government, the members of the legislature, and all such persons as are or shall at any time be employed by them or any of them, shall have liberty to take out of the said reservoir as much water as they may respectively want, without paying any thing therefor.

Individuals to be supplied with water

Compensation.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the stockholders of the said company, shall meet on the first Monday of August in each year hereafter, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they

Time for holding annual election.

shall be assembled by the managers in such manner and form as shall be prescribed by their bye-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal by a majority of votes in manner aforesaid, all such bye-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act. If it shall happen that an election of president and managers be not made on the day above prescribed, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day within sixty days thereafter, to hold and make an election in such manner as the bye-laws and ordinances of the corporation shall prescribe. In case of the death, resignation, removal from the state, or inability to act, of the president or any of the managers, the board of managers shall choose another to supply his place.

Powers of stockholders.

If no election be held, corporation not to be dissolved.

Vacancies how supplied

SECT. 7. *And be it further enacted by the authority aforesaid.* That the president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meetings five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book or books to be kept for that purpose, and a quorum being met, they shall have full power and authority to agree with and appoint all such officers, artists and workmen as they shall judge necessary to carry on the intended works, and to fix their salaries or other wages, or compensation, to ascertain the times, manner and proportions when, and in which the stockholders shall pay the monies due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all monies necessarily expended, which orders shall be signed by the president, or in his absence by a majority of a quorum, and generally to do and perform all such other acts, matters and things as by the bye laws, orders and regulations of the company shall be committed to them.

Duty of the president & managers.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said president and managers shall procure certificates to be printed or written, for the shares of the capital stock of the said company, and deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the corporation to each person, for every share by him subscribed and held, or at his election, for any number of shares by him subscribed and held, which certificate shall be transferable by him at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject, however, to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the corporation, and entitled to all the privileges and emoluments of the said company, and to vote as aforesaid at the meetings thereof: *Provided,* That to

How certificates of stock shall issue.

How transferable.

entitle the transferee to a vote as aforesaid, the transfer shall have been made three months previous to such election.

Penalty for neglecting to pay instalments.

When shares shall be forfeited.

May enter upon lands to procure materials.

Making amends for damages.

How damages are to be ascertained.

Right of appeal.

Authority to contract for and purchase lands, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice in the manner prescribed by the third section of this act, of the time and place appointed for the payment of any proportion of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the place appointed for the space of twenty days after the time so appointed for the payment thereof, every such stockholder or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per centum per month for every delay of such payment. And if the same and the said additional penalty shall remain unpaid for such a space of time, as that the accumulated penalties shall be equal to the sums already paid on account of the said share, then the said share and all the monies thereon paid, shall be forfeited to the company, and may be sold by them to any person or persons willing to purchase for such price as can be obtained therefor.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, by and with their officers, artists and workmen, with their tools and implements, carts, waggons, carriages and beasts of draught and burden, to enter upon the lands, in, over, contiguous and near to which the route and tract of the said intended canal shall pass, first giving notice of their intention to the owners or possessors thereof or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages which any person may thereby sustain, or by taking away stone, earth or other materials, which shall be ascertained by three disinterested persons, to be mutually chosen by the parties, or if they shall neglect or refuse to join in the choice, then by three disinterested persons to be appointed by any two justices of the peace in the county of Dauphin; and after the men appointed as aforesaid, shall have ascertained the amount of damages due to the injured party, they shall make out an award thereof under their hands and seals, and deliver the same to a justice of the peace, in and for the county of Dauphin, and it shall be the duty of said justice, after giving due notice to the parties interested in said award, to enter judgment thereon in his docket, either party having the right to appeal within twenty days to the court of common pleas of said county, in the same manner as appeals are allowed in other cases.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of making, digging, and perfecting the said canal, and of erecting and establishing all the necessary locks, works, roads and devices, to such a navi-

gation belonging, and of erecting and establishing water works and manufacturing establishments on the said canal, if they can agree with such owners, but in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos mentis, or out of the state, or otherwise incapacitated to convey, then it shall and may be lawful to, and for the said president and managers to apply to the judges of the court of common pleas of Dauphin county, who, upon such application, are hereby authorised, empowered, enjoined and required to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ of ad quod damnum, to be directed to the sheriff of the said county, describing the same, and naming the owner or owners thereof; and commanding the said sheriff, that by the oaths and affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers, or which shall be injured by the establishment of the said canal, will suffer and sustain any, and what damages, by reason or means of taking any such lands, tenements, or other real hereditaments, necessary for the use of the said canal and navigation, and the locks, roads and works thereto belonging, or for the use of the said water works and manufacturing establishments, and to return the same writ, together with the finding of the said jury, to the next court of common pleas to be held for the said county, after such finding. And upon such writ being delivered to the said sheriff, he shall give at least ten days notice in writing, to the parties in the said writ named, or their representatives, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck jurors usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in the said writ specified, and a true verdict give according to the best of their judgment and ability, without favor or partiality to any. And thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements or other real hereditaments in such writ specified, and having considered the quantity and quality of so much as shall be necessary to be vested in the said company, for the purposes aforesaid, and the advantages which will accrue to the owners of such lands, by the digging and perfecting the said canal, as well as the disadvantages which shall be occasioned to them thereby, they shall cause the same to be minutely and exactly described by meets and bounds, or other particular descriptions, and shall value and appraise the injury and damages which the owner or owners of such lands, tenements, hereditaments or other improvements, will, according to the best of their skill and judgment, sustain and suffer, by means of the same being vested in the said company, defining and ascertaining, as well all such lands and tenements, liberties and privileges so to be vested in

Mode of proceeding where parties cannot agree.

certained by the person appointed for that purpose, by the president and managers, or chosen by the said collectors of tolls for the said company, and the toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the place where such toll shall be made payable by the said company.

Power of collectors where tolls are refused to be paid.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the collectors of tolls, duly appointed, may stop and detain all boats and vessels, using the said canal and navigation, and also, all rafts passing the same, until the owner, skipper or supercargo thereof shall pay the toll, so as aforesaid fixed, or on default thereof, may distrain part of the cargo therein contained, or a part of such rafts, sufficient, by the appraisement of two credible persons, to satisfy the toll, which distress shall be kept by the collector of the toll taking the same, for the space of five days, and afterwards sold by public auction, at some place in the neighborhood, in the same manner and form as goods distrained for rent are by law made saleable, rendering the surplus, if any there be, after payment of the said toll and the costs of distress and sale, to the skipper, supercargo, or owner thereof.

Treasurer and other officers to give security.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company, may demand and require of and from the treasurer, and of and from all and every other the officers and other persons by them employed, bonds in sufficient penalties and with sureties, as they shall, by their rules, orders and regulations, require, for the faithful discharge of the several duties and trusts, to them, or any of them, respectively committed.

Fair and just accounts to be kept by the company.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company, shall keep fair and just accounts of all monies received by them from the subscribers to the said undertaking, for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all monies by them expended, and on what account the same were expended; and shall, at least once in every year, submit such account to a general meeting of the stockholders, until the work shall be completed, and until all the costs, charges and expenses of effecting the same, shall be fully paid and discharged, and the whole amount of the said expenses adjusted and settled.

Penalty for injuring works.

SECT. 19. *And be it further enacted by the authority aforesaid* That any person who shall wilfully destroy, or in any manner injure, the canal, locks, pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said corporation, to be erected in pursuance of this act, shall, on being convicted thereof, before any justice of the peace of the county of Dauphin, by the oath or affirmation of one or more credible witnesses, pay a fine of not less than five, nor more than twenty-five dollars, one-half to the use of the poor of the borough of Harrisburg, and the other half to the informer, and shall more

How applied.

over be liable for all damages, to the said company, to be recovered as debts of equal amount are by law recoverable.

SECT. 20. *And be it further enacted by the authority aforesaid.* That when the sum of twenty thousand dollars, part of the capital stock of the said company subscribed and paid in, shall be set apart and held by the president and managers of said company, as a fund to be applied to the payment of losses, in cases of risks of insurance against fire, and the president and managers are hereby authorised to invest the said sum of twenty thousand dollars in any public stock of this state, or the United States, as a fund to be applied as aforesaid, to take risks of insurance against fire; and all policies shall be subscribed by the president, as president of the "Harrisburg Canal, Fire Insurance and Water Company;" and all losses arising on any policy, so subscribed, shall be adjusted by the president and board of managers, and paid agreeably to the terms of the policy, out of the funds of the company; and in all cases of claims, for losses, which the president and managers may not think the company liable for, they are hereby bound, under a penalty of five hundred dollars, to submit the decision thereof, within one month after due notice from the claimants, to three or five respectable arbitrators, to be chosen, one or two by each party, and a third or fifth, by those two or four, and their award shall be binding on the company and the assured; it being hereby declared and made known that the members of this said company shall not be liable to any loss, damage, or responsibility, in their persons or property, other than the property they may respectively have invested in the capital and funds of the company.

When company may take risks of insurance against fire.

Policies how to be subscribed.

Losses how paid.

Proceedings in case of disagreement.

SECT. 21. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said company, in manner aforesaid, to insure the buildings or property of any individual member of the company, in the same manner and to the like effect, as if the said member had no interest in the company.

Property of members of the company may be insured.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the president and managers shall keep a just and true account of all and every the monies received by them, by the treasurer and by the several and respective collectors, arising from tolls, water rents, insurance or otherwise, and of the monies expended, and shall make and declare a dividend of the receipts, profits and income thereof, (all contingent costs and charges, also all monies received as premiums on risks, which shall be undetermined and outstanding, at the time of declaring such dividend, being first deducted,) among all the stockholders respectively; and shall, on the first Monday of January and July, in every year, publish the half yearly dividend, to be made of the said clear profits and income, to, and among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided,* That dividends shall, in no case, exceed the amount of the nett profits actually acquired and received by the company, so that the capital stock shall never thereby be impaired: *And provided further,*

Accounts to be kept and dividends declared:

Proviso.

2d Proviso.

That no person shall be entitled to any share of the dividends declared, who has not paid such amount of stock, held by him, as has been required by the president and managers.

Not to exercise banking powers. **SECT. 23.** *And be it further enacted by the authority aforesaid,* That the said company shall not have power to issue any orders or notes, in the nature of bank notes, to be endorsers on any note or notes, in their corporate capacity, or to make discounts, or receive deposits, after the manner of any bank or banks; and in case the said company should, at any time hereafter, act contrary to the provisions contained in this section, their chartered privileges shall be null and void.

Time for completing canal, &c. **SECT. 24.** *And be it further enacted by the authority aforesaid,* That if the company, to be incorporated by the provisions of this act, shall not, within seven years from and after the date thereof, erect and complete a canal and lock navigation, as well as the water works described by this act, then all the privileges, hereby granted, shall cease and determine.

When privileges, &c. may be resumed by the legislature. **SECT. 25.** *And be it further enacted by the authority aforesaid,* That if the said corporation shall, at any time hereafter, misuse and abuse any of the chartered privileges hereby granted, the legislature may, at any time thereafter, resume all and singular the rights, liberties, privileges and franchises, hereby granted to the said company.

JOSEPH LAWRENCE, Speaker
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIRSTER.

CHAPTER LXXVII.

AN ACT

For the better employment, relief and support of the poor of the township of Bristol, in the county of Philadelphia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Algernon S. Logan, John L. Williams, Isaac Michener,

and Silas Wilson, be and they are hereby appointed guardians for the relief and employment of the poor of the township of Bristol, in the county of Philadelphia, and they and their successors shall in name and fact be one body politic and corporate in law to all intents and purposes whatsoever, with full powers and authority to do and perform all the duties of, and to exercise all the powers vested in, the overseers of the poor by the poor laws of this commonwealth, and be subject to like penalties for misdemeanor in office, and shall have succession, and may sue and be sued, plead or be impleaded, and shall be incorporated by the name of "the guardians for the relief and employment of the poor of the township of Bristol, in the county of Philadelphia," and by that name shall and may receive, take and hold lands, tenements and hereditaments, not exceeding a yearly value of three thousand dollars, and any goods and chattels of the gift, alienation, bequest or devise of any person or persons whatsoever, and are hereby empowered and authorised to use one common seal in the business of the said corporation, and the same at their pleasure to change and alter.

Guardians of the poor appointed.

Corporation.

Powers.

Style.

Further powers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said guardians shall have power and authority to erect, rent or provide a house or houses in the said township for the more convenient and comfortable accommodation and employment of the poor settled in said township, where they shall be supported at the common expense of the same, and purchase, take, and hold any lands and tenements, in fee simple or otherwise within the said township, and erect suitable buildings thereon if they think necessary, for the reception, use and accommodation of the poor of said township, and provide all things necessary for the boarding, lodging, maintenance and employment of the said poor, they shall or may appoint a suitable person or persons as steward or stewards, who shall be accountable to, and under the direction of, the said guardians, and the said guardians shall have full power to make and ordain all such bye-laws, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of or respecting all such persons as shall come under their care or cognizance: *Provided,* That the same be not repugnant to this law, or any other of the laws of this state or of the United States: *And provided also,* That the tax arising on dogs within the said township, shall be paid by the collectors to the treasurer of the guardians of the poor, and by them appropriated for the support of the poor of said township.

Authority to erect or provide a house, &c.

And purchase lands.

Power to appoint stewards.

Bye-laws.

Proviso.

2d Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said guardians or any three of them, shall, and they are hereby authorised, enjoined and required to meet together on the second Monday in the month of April in the present year, and on the second Monday in April in every succeeding year during the continuance of this act of incorporation,

Annual meetings.

Special
meetings.

Proviso.

and at all such other times as they shall judge necessary by their adjournments, the time and place of meeting to be inserted in their book of minutes, notice to be given to each member in writing, at least six days before the time of holding their annual and adjourned meetings, setting forth the time and place of holding such meetings, and the special business to be transacted on the respective days: *Provided*, That each and every guardian, before he enters on the duties of his office, take an oath or affirmation respectively, which any justice of the peace in the county is hereby authorised and empowered to administer, that he will discharge the office of guardian for the relief and employment of the poor in the township of Bristol, in the county of Philadelphia, faithfully and impartially, to the best of his knowledge and ability.

Succession
of the guar-
dians.

When and by
whom to be
chosen.

Penalty for
refusing to
serve.

Proviso.

Guardians
authorised to
lay assess-
ments.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the succession of the said guardians shall be in the following manner: The two first named shall go out of office in one year after the first appointed meeting, which will be on the second Monday in the month of April, one thousand eight hundred and twenty-four; the remaining two named, on the second Monday in April, one thousand eight hundred and twenty-five; and so on with their successors, two shall go out of office on the second Monday in April in every year after, during the continuance of the time for which they shall be incorporated; and the guardians shall be chosen by the electors of said township in the month of March, annually, at the time and place of electing constables and supervisors, of the public highways of said township, and the same notices and return to court as is observed by the laws in cases of overseers of the poor and supervisors of the highways shall be applicable to the said guardians; and if any person so chosen or appointed, shall refuse to serve the office of guardian on due notice being given him as aforesaid, he shall forfeit and pay to the use of the poor the sum of twenty dollars, to be recovered at the suit of the said guardians, before any justice of the peace in the county, as by action of debt: *Provided*, That in case of death, resignation or otherwise, the remaining guardians shall have power to appoint a reputable taxable inhabitant or inhabitants to fill the vacancy or vacancies that may happen, until the next annual township election; and the same persons for the time being, shall be subject to the same laws and regulations as if they had been elected by the people.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said guardians, having first obtained the approbation of any two justices of the peace in the same county, to make and lay a rate or assessment not exceeding fifty cents in the hundred dollars at one time, upon the adjusted valuation of all the real and personal estates within the said township, and a rate for any trade or occupation, or on any single freeman who follows no occupation, shall at no one time exceed five dollars, and shall be lowered in due proportion as the tax or adjusted property may be lowered, below half a cent

in the dollar: the guardians, in laying the said rates, shall be guided by the last assessment, and the amount of taxable property, trades, professions and occupations shall be taken from the last return of taxable property made in the said township, for the last county tax, and apportioned on the inhabitants in proportion to the last corrected apportionment of the county taxes put in the hands of the township collectors; and shall enter such rates fairly in a book, of which a fair duplicate signed by them, shall be delivered to the justices, who shall allow the same if they find it just and reasonable; and shall permit any taxable inhabitant to inspect the rates at all seasonable times without any fee or reward; and if any guardian shall not permit, or refuse any taxable inhabitant to inspect the rates, he shall forfeit any sum not exceeding five dollars, to the party grieved, to be recovered with costs, before any justice of the peace, as by action of debt.

Rates to be entered in a book and approved of.

Penalty for refusing an inspection thereof.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said guardians, from time to time, to nominate, appoint, employ and pay one or more fit person or persons, to be collector or collectors of the poor tax or taxes, assessed or imposed, or hereafter to be assessed or imposed, according to this act, upon the inhabitants of the said township, for the use and benefit of the poor thereof, which said collector or collectors, so to be nominated and appointed by the guardians, and employed, shall, with at least one surety to be with him or them joined severally and respectively, make and execute a bond or bonds unto the said guardians, for the relief and employment of the poor, in a sum equal to the amount of his or their duplicates, with a condition or conditions thereunto severally annexed and underwritten, for the true and faithful performance of all and singular the duties and services, which shall or may lawfully be imposed upon and required from such collector or collectors respectively: *Provided nevertheless,* That the compensation to be received by such collector or collectors, shall not exceed five per centum on the sums by them respectively collected and paid over to the treasurer.

Collectors to be appointed.

And give security.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said guardians for the relief and employment of the poor, shall nominate and appoint one of their own members to act as treasurer, who shall give security to double the amount of the tax assessed in said township for the support of the poor, to whom the collector or collectors shall pay over once in every month, and render an account of, and concerning such sums of money as they shall have respectively received for, or on account of, the said poor tax or taxes, and the said treasurer shall give a receipt or receipts to the collectors, for the sum or sums which he or they shall from time to time bring in and pay to him as aforesaid, which said receipt or receipts shall be a good and sufficient discharge unto the collector or collectors, for so much money as may therein be acknowledged and expressed to have been received by the said treasurer, and the said treasurer before he shall enter on the duties of the office, shall take an oath

One of the guardians to act as treasurer.

Collectors to render accounts.

Treasurer to be under oath.

or affirmation according to law, that he will discharge the office of treasurer truly, faithfully and impartially to the best of his knowledge and ability, and will well and truly pay and deliver over to the succeeding treasurer, all the money, books, accounts, bonds and papers belonging to the said incorporation, which shall then be remaining in his hands, custody and possession.

Accounts of guardians how settled.
Statement of the affairs of corporation to be published.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the accounts of the said guardians shall be settled on the second Monday in April annually, by the auditors chosen to settle the accounts of the supervisors of the public highways of said township, and the said guardians shall publish in handbills, to be distributed on or before the first Monday in May following annually, among all the taxable inhabitants of the said township of Bristol, with a state of their books, accounts, affairs and economy thereof, together with an account of rents, products and interests of any real or personal estates or sums of money charitably given to the use of the said corporation, as also a list of the paupers, male and female, with their probable ages within the house, and the out door pensioners, and the books of said corporation shall be open at any time for the inspection of any of the taxable inhabitants residing within the limits of the said township.

Duty of the overseers of the poor.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the overseers of the poor of the township of Bristol, are hereby required, as soon as they are called upon by the board of guardians for the relief and employment of the poor of said township, to surrender to the board of guardians aforesaid, all the money, books, accounts, bonds and papers belonging to the said township relative to the poor thereof, which shall then be remaining in their hands, custody or possession, and the receipt of the board of guardians aforesaid, shall be a good and sufficient discharge unto the said overseers of the poor for so much of the property as may be therein respectively acknowledged and expressed to have been received by the said board, and that so much of the act for the relief of the poor within this commonwealth, as authorises electing and returning overseers of the poor for each township, be and the same is hereby suspended for the term of six years from and after the passing of this act, so far as relates to the choosing overseers of the poor for the township of Bristol; and the overseers appointed to serve for the ensuing year, for the township aforesaid, are hereby released and discharged from the duties and obligations of their office, any thing in any law to the contrary notwithstanding.

Part of certain act suspended.
Present overseers released, &c.

The testimony of every otherwise legal witness to be admitted in matters relating to the poor.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the justices of the peace and the judges of the several courts within this commonwealth, are hereby authorised to admit in all cases respecting the settlement of paupers, and all other cases and matters touching or relating to the poor, or in any way affecting the funds set apart for the support or employment of the poor, the testimony of every otherwise legal witness, notwith-

standing he, she or they may be inhabitants of the city, district, borough, township, or townships, concerned.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said corporation shall continue in full force for six years, Limitation of from and after the passing of this act, and until the close of the corporation. then next session of the legislature, and no longer.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXVIII.

A Supplement

To an act entitled "An act to incorporate the York county manufacturing company."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the shares of the York county manufacturing company shall be reduced from two hundred to fifty dollars, each share; and that the capital stock of said company shall consist in shares of fifty dollars each; and that so much of the third section of the act to which this is a supplement as is hereby altered and supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXIX.

A Supplement

To an act entitled "An act appointing commissioners to open and construct a road in Lycoming county, from Carpenter's mill, in Loyalsock township, to Hogland's mill, in Elkland township," passed the second day of April, one thousand eight hundred and twenty-one.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all sums of money which have been received since the passage of the act to which this is a supplement, or which may hereafter be received by the treasurer of the county of Lycoming, for or on account of road taxes, assessed and levied upon unseated lands, within the township of Hepburn, in the said county, for and during the term of four years from and after the passing of the said act to which this is a supplement, are hereby appropriated, and shall be held in a distinct and separate account by the treasurer of the said county for the time being, subject to the orders of the commissioners named in the said act, and to be appropriated to the uses therein mentioned.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXX.

AN ACT

To erect the town of West Middletown, in the county of Washington, into a borough.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of West Middletown, in the county of Washing-

ton, shall be and the same is hereby erected into a borough, which shall be called "The borough of West Middletown," and shall be comprised within the following bounds, to wit: Beginning at a post south of the Wellsburg road, and on the line between Galbreath Stewart and Jacob Walter's land, thence south twelve and a quarter degrees east, seventy-seven perches, to a post; thence south sixty degrees east, one hundred and twenty eight perches, to a white oak in David Craig's land; thence north sixty-eight and a quarter degrees east, fifty seven and three-tenth perches, to a red oak on the south east corner of Ezekiel Davis' lot; thence north forty-three degrees east, one hundred and eighteen perches, to a black oak and corner of Henry Cotton's and the Washington road; thence north twenty-seven and a quarter degrees west, one hundred and twenty-four and four-tenth perches, to the north-east corner of William Vassbinder's lot; thence south seventy-eight and a half degrees west, one hundred and fifty-five perches, to a stone in Galbreath Stewart's orchard; thence south fifty-five and a half degrees west, seventy-two and two-tenth perches, to the place of beginning.

Borough
erected.

Boundaries.

SECT. 2. *And be it further enacted by the authority aforesaid.* That it shall and may be lawful for all persons having residence within the said borough six months next preceeding the election, and being entitled to vote for members of the general assembly, on the first Monday of August next, and on the first Monday of May, in each and every year thereafter, to meet at the house of Daniel McGugin, or any other place in the said borough, as the citizens may think proper, and then and there elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen, residing therein, who shall be styled the Burgess of the borough, and five reputable citizens, to be a town council; and shall also elect a high constable: but previously to the opening of any such election, the said inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one to act as inspector, and the other to perform the duty of clerk, according to the direction of the general election law of this commonwealth, so far as relates to the receiving and counting votes; and shall be subject to the same penalties for mal-practices, as by the said election laws are imposed; and the said judge, inspector and clerk, before they enter on the exercise of their respective duties, shall take an oath or affirmation, before any justice of the peace of the county of Washington, to perform the same with fidelity; and shall hold the said election, from time to time as occasion shall require, receive and count the ballots, and declare the persons having the greatest number of votes, to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, for their safe keeping; and in case of vacancy by death, resignation, refusal to accept, or removal from the said borough, of any of the said officers, the burgess, or in his absence or inability to act, the

Qualification
of electors.

Burgess,
town council
and high constable to be
elected.

Of judge, inspector and
clerk.

To be under
oath.

Returns of
elections
how to be
made.

Mode of supplying vacancies.

first named of the town council, shall issue his precept, directed to the high constable, requiring him to hold an election to fill such vacancy, he giving at least ten days previous notice, by advertisements set up at the most public places within the said borough.

Corporation
created.

Style

Powers and
privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the burgess and town council, duly elected as aforesaid, and their successors, forever hereafter, shall be one body politic and corporate in law, by the name of the "burgess and town council of the borough of West Middletown, in the county of Washington," and shall have perpetual succession; and the said burgess and town council aforesaid and their successors, forever thereafter, shall be capable in law, to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple or otherwise; also goods, chattels and other things, of what nature or kind soever, not exceeding the yearly value of three thousand dollars: and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever; and to have and use one common seal, and the same, from time to time, at their will, to change and alter.

Penalty for
refusing to
act as offi-
cers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person, duly qualified to elect and being elected, whether the burgess or town council, as aforesaid, having been notified, as before directed, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, every person, so refusing or neglecting, shall forfeit and pay the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable, in pursuance of this act, or by the bye-laws and ordinances of the town council, shall be for the use of the said corporation.

Burgess, &c.
to be under
oath.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the burgess, town council and high constable, and each of them, shall take an oath or affirmation, before any one of the judges and justices of the peace of the county of Washington, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices, in the borough of West Middletown, before they shall enter on the execution thereof; and the certificate of such oath or affirmation shall be recorded in the books of the said corporation.

May make
bye-laws.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the town council to meet as often as occasion may require, and enact such bye-laws and make such regulations, rules and ordinances as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, particularly of providing for the market, streets, alleys and highways therein; they

shall have power to assess, apportion and appropriate such taxes as shall be determined by a majority of them necessary for carrying the said rules and ordinances, from time to time, into complete effect; and also to appoint a town clerk, treasurer, two persons to act as street and road commissioners, and a clerk of the market annually, and such other officers as shall be deemed necessary, from time to time: *Provided*. That no bye-laws, rules or ordinances of the said corporation shall be repugnant to the constitution or laws of the United States or of this commonwealth; and that no person shall be punished for a breach of a bye-law or ordinance, made as aforesaid, until three weeks have expired after the promulgation thereof, by at least four advertisements, set up in the most public places in said borough: *And provided also*, That no tax shall be laid, in any one year, on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing, under their hands and seals, shall approve of and certify the same, to the town council, who shall proceed to assess the same accordingly.

Assess taxes.

Appoint town clerk, &c.

Proviso.

2d Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid*. That the burgess, elected and qualified agreeably to this act, is hereby authorised and empowered to issue his precept as often as occasion may require, directed to the high constable, commanding him to collect all taxes assessed, and fines and forfeitures imposed by this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer; and the said burgess is hereby authorised to carry into effect all bye-laws enacted by the council, and whatever else shall be enjoined on him for the well ordering and governing of the said borough; he shall have jurisdiction in all disputes between the corporation and individuals arising under the bye-laws: *Provided*, nevertheless, That it may be lawful to and for the justices of the peace of the said borough, and all and every of the justice or justices of the peace aforesaid, residing or being in said borough, to do and execute every act or acts as pertaining to their office, agreeably to the powers conferred on them by the constitution and laws of this commonwealth.

Precept for the collection of taxes to be issued.

Duty of burgess.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duties of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all duties which may be enjoined on him by virtue of this act, or of the acts of the corporation, whose attestation, with the seal of the corporation, shall be good evidence of the act or thing certified.

Duty of town clerk.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the treasurer shall give security for the faithful discharge

Treasurer to give security. of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto into the hands of his successor, upon demand made for that purpose.

Officers appointed by the corporation to render their accounts. **SECT. 10.** *And be it further enacted by the authority aforesaid,* That the street commissioner, treasurer, constable, and clerk of the market, as well as all other officers which may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement; and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, shewing particularly the amount of taxes laid and collected, and of the expenditures.

Duty of high constable. **SECT. 11.** *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable to give notice of the annual elections of the said borough, by setting up advertisements in four of the most public places in the said borough ten days previously thereto, he shall attend and see that the same is opened at the time, and in the manner directed by this act: *Provided,* That it shall be the duty of the constable residing therein for the time being, to publish and superintend the elections to be held on the first Monday in May next, as hereinbefore directed.

Proviso. **SECT. 12.** *And be it further enacted by the authority aforesaid,* That in the general or electoral elections, the citizens of said borough shall not be separated from the citizens of Hopewell township, nor in any measures preparatory thereto, but shall remain connected with said township as they have been heretofore.

Of voting at general and electoral elections. **SECT. 13.** *And be it further enacted by the authority aforesaid,* That the township of Hopewell shall support all the poor who have become a charge, or who may hereafter become a charge to said township, unless the said poor persons were at the time of becoming a charge, or at the time they may hereafter become a charge, residents within the limits of said borough.

Of the poor. **SECT. 14.** *And be it further enacted by the authority aforesaid,* That if any person or persons shall think him or themselves aggrieved by any thing done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions, to be held for the proper county, upon giving security according to law to prosecute his, her or their appeal with effect; and the court having taken such order therein as shall seem to them just and reasonable, the same shall be conclusive against all parties.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXI.

AN ACT

Repealing the act entitled "An act to prevent fishing with nets, &c." in East Conococheague creek, Franklin county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and af-er the passage of this act, the act entitled "An act to prevent fishing with nets, &c." in East Conococheague creek, Franklin county, passed March the twenty-ninth, one thousand eight hundred and twenty-one, be and the same hereby is repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXII.

AN ACT

Vacating a part of the old state road, leading from the borough of Washington, in Washington county, towards Wheeling, in Virginia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the old state road, leading from the borough of Washington, in Washington county, towards Wheeling, in the state of Virginia, lying between the bridge, at the lower end of Wheeling street, to where the same intersects the road leading from Jacob Weirick's to the national turnpike, be and the same is hereby vacated.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three,

JOSEPH HIESTER.

CHAPTER LXXXIII.

A Supplement

To the act entitled "An act authorising the holding of special courts, in the counties of Bradford, Beaver, Allegheny and Tioga, and for other purposes."

Compensation to president of 11th judicial district, for holding special courts.

President of 4th judicial district to hold a special court in Bradford county.

Compensation.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president judge of the eleventh judicial district, shall receive, for holding the special courts required of him by the act to which this is a supplement, in addition to his salary, five dollars for each day he shall attend in holding such courts, and in going to and returning from the same, to be paid as the stated salary of such president judge is authorised to be paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the president judge of the fourth judicial district, is hereby authorised and required, as soon as may be compatible with his other official duties, to proceed to and attend at some regular term of the court of common pleas of Bradford county, and then and there to take the seat of the president judge of the said court, so long as may be necessary to try all such causes as the president of said court shall have been of counsel in, or in which he may, or has been interested, under the provisions of the act entitled "An act for holding special courts of common pleas." passed the fifteenth day of March, one thousand eight hundred and sixteen; said president to hold said court with or without the associate judges of said court, as they may or may not be interested; and all other proceedings shall be had as if such cause had been tried by the president of the district, and the like proceedings shall be had subsequent to trial and judgment thereon, by appeal and writ of error; and such special court may be adjourned or continued, from time to time, until all such causes shall be finally determined; and that at least sixty days notice shall be given of the holding of said court; and the president judge of the said fourth judicial district, shall receive, for holding such special court, in addition to his salary, five dollars for each day he shall necessarily attend in holding such special court, and in going to and returning from the same, to be paid as the stated salary of such judge is authorised to be paid.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the twenty-seventh, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXIV.

AN ACT

To extend the charter of the Philadelphia Bank.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every person and persons, bodies corporate and politic, who now are or may be, at any time prior to the first day of May, in the year one thousand eight hundred and twenty-four, stockholders or proprietors of the capital stock in "The Philadelphia Bank," incorporated by the act of the fifth of March, in the year one thousand eight hundred and four, entitled, "An act to incorporate the Philadelphia Bank," shall be, and they and their successors and assigns are hereby declared to be one body politic and corporate, by the name, style and title of "The Philadelphia Bank," upon the conditions hereinafter specified; and by the same name shall so continue until the first day of May, in the year one thousand eight hundred and thirty-nine, and no longer, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have and hold, receive, possess, enjoy, and retain to them and their successors, lands, tenements, hereditaments, rents, goods, chattels and effects of whatsoever nature or quality, to an amount not exceeding two millions of dollars including the amount of the capital stock of the said company, except such as may be held in security, or for payment of debt, and the same from time to time, to sell, grant, demise, alien, or dispose of, and also to make, to have and use a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such bye-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the fundamental articles thereof, or to the constitution or laws of the United States, or of this state, and generally to do and execute all acts, matters and things consistently with the provisions of this act, which a corporation or body politic in law may or can lawfully do and execute; and to have, hold, receive, possess, enjoy and retain to them and their successors, all the estate, property and effects of every kind which the said "Philadelphia Bank" shall be possessed of or entitled to, at the time of the expiration of the act incorporating the Philadelphia Bank, passed on the fifth day of March, one thousand eight hundred and four, and all rights to and contracts respecting the same, shall be vested in the corporation hereby created, in the same manner as if the act incorporating the said bank had been continued in full force, until the first day of May, one thousand eight hundred and thirty-nine; and the said corporation, hereby created, may sue and be sued on all debts, claims or demands due or owing to or

Corporation
created.

Style.

Continuance.

Powers,
rights and
privileges.

from the said Philadelphia Bank, heretofore incorporated as aforesaid, in the same manner as if the act incorporating the same had been continued in full force and effect, as aforesaid; and the said corporation, hereby created, shall have the benefit and advantage of and be liable to all contracts and engagements entered into with the said Philadelphia bank, heretofore incorporated, in the same manner as if the act incorporating the same had been continued in full force and effect, as aforesaid; and all suits brought by or against the said Philadelphia bank, shall be continued and adjudged in the same manner as if the said act incorporating the same, had been continued in force, until the said first day of May, one thousand eight hundred and thirty-nine, without the necessity of alleging the same in pleading.

Capital stock **SECT. 2.** *And be it further enacted by the authority aforesaid,* That the capital stock of the Philadelphia bank shall not exceed two millions of dollars, lawful money of the United States, divided into shares of one hundred dollars each; and the said bank
Amount of shares.
Location of bank. shall be kept in the city of Philadelphia, except in cases of contagion, or invasion of an enemy, when a temporary removal may take place.

Fundamental articles. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations, and provisions, shall form and be the fundamental articles of the constitution of the said corporation, to wit:

ARTICLE I.

Directors. The affairs of the company shall be conducted by seventeen directors, thirteen of whom shall be chosen annually by the stockholders. No person shall be a director who is not a citizen
Who shall not be directors. of the United States, and the holder of at least five shares of stock in his own right. No director of any other bank shall be at the same time a director of this bank, nor shall the Governor, the Secretary of the Commonwealth, any officer in the treasury department, in the office of accounts, or in the land office, any member of the legislature or of congress, or any judge of any court, be a director of this bank.

ARTICLE II.

When and how directors are to be elected. The election of directors shall be by ballot, and shall take place on the third Monday of November, in every year, at such place, within the city or county of Philadelphia, as the directors for the time being shall appoint, notice of which shall be given thirty days previous thereto, in the manner hereinafter prescribed, and a fair and correct list of the stockholders shall be fixed up, at least two months before any election of directors, in the common hall of said bank. And the directors shall assemble on the Tuesday succeeding such election and choose one of their number to be president of the said bank. They shall continue in office one year, and until others be chosen. If it shall happen that an election of directors be not made on the day above

President to be chosen.
Tenure of office.

prescribed, the corporation shall not, for that cause, be dissolved; but it may be lawful on any other day, within thirty days thereafter, three weeks notice being given, in the manner aforesaid, to hold and make an election, in such manner as the bye-laws and ordinances of the corporation shall prescribe. And the directors shall, at their first meeting after such election, elect one of their number to be president. And in case of the death, resignation, absence from the United States, or inability to act, of the president or of any director, the board of directors shall choose another to supply his place: *Provided*, That the persons who shall be directors of the Philadelphia bank, at the time of the expiration of its present charter, shall be and continue directors of the bank, hereby incorporated, until others are chosen, according to the provisions of this act. And the directors, so continued, shall, at their first meeting, elect a president, and do and perform all the duties and be liable to all the obligations imposed upon the directors appointed in pursuance of this act.

If no election be held, corporation not to be dissolved, &c.

Vacancies how supplied

Proviso.

ARTICLE III.

For the well ordering and conducting of the elections, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same, after having severally taken and subscribed an oath or affirmation, before a justice of the peace, or alderman, well and truly and according to law, to conduct said election. They shall determine whether the persons who shall have the greatest number of votes, are duly qualified to be elected directors, and do come truly and plainly within the provisions of these articles; and after the conclusion of the ballot, shall decide and declare who are elected directors for the ensuing year.

Mode of conducting elections.

ARTICLE IV.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in proportion following: That is to say, for each share, not exceeding two shares, one vote: For every two shares above two and not exceeding ten shares, one vote: For every four shares above ten and not exceeding thirty, one vote: For every six shares above thirty and not exceeding sixty, one vote: For every ten shares above sixty and not exceeding one hundred, one vote: But no share or number of shares, above one hundred, shall confer any additional right of voting; and no share shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide in his own right, or in that of his wife, and for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for or to the use and benefit of any other

Number of votes to be given by each stockholder regulated.

What to constitute a right to vote

Proviso.

person. Stockholders, resident within the United States, and no other, may vote by proxy, upon such terms and conditions as are prescribed by the act, passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That such proxies shall be dated within thirty days of the day of the election.

ARTICLE V.

May make
bye-laws.

Appoint
cashier, &c.

Cashier to
give bond.

Not to carry
on any other
business.

Officers,
clerks, &c.
to give secu-
rity.

Compensa-
tion.

Officers, not
to vote, &c.

Nor borrow
money ex-
cept, &c.

The board of directors shall have power to make bye-laws for the government and regulation of the board, which bye-laws shall not be inconsistent with the constitution and laws of the United States, or of this state, or with the provisions of these articles; to appoint a cashier and all other officers, clerks and other persons necessary for executing the business of the company. And it shall be the duty of the said board to take a bond of the cashier, with two or more sureties, to the satisfaction of the same, for such sum as shall be determined by the board of directors, conditioned for his good behaviour. Nor shall he be a stockholder in the said bank, or be allowed to carry on any other business, either directly or indirectly, than that of the bank, under the penalty of five thousand dollars, to be recovered by the bank. And the said board shall take such security for the good behaviour of their other officers, clerks or other persons respectively, as the bye-laws shall prescribe, and shall establish the compensation to be paid to the president, cashier and other officers of the company respectively, which, together with all other expenses, shall be defrayed out of the corporate funds. And it shall not be lawful for the president, the cashier, or any teller or clerk, to vote at any election for directors, as the attorney, proxy, or agent of any stockholder; nor shall they, except the president and cashier, borrow any money of the said bank, or keep a private account in the books thereof.

ARTICLE VI.

Debts of the
bank not to
exceed dou-
ble the
amount of
the capital.

In case of ex-
cess the di-
rectors shall
be liable in
their private
capacities.

The total amount of the debts which the said corporation may at any time owe, whether by bond, bill, note or other contract, excepting the amount of money due to depositors, shall not, at any time, exceed double the amount of the capital stock actually paid in. In case of excess, the directors under whose administration it shall happen, shall be liable for the same in their individual capacities, and an action of debt may in such case be brought against them, or any of them, or their or any of their heirs, executors or administrators, in any court of record in this state, or of the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors who may have been absent

when the said excess was contracted or created, shall not be considered as consenting thereto, or liable therefor; and those who may have dissented, and who shall enter their dissent upon the minutes of the board, from the resolution or act whereby the same was so contracted or created, may exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have power to call for that purpose.

Dissenting directors not made liable.

ARTICLE VII.

No director, except the president, shall be entitled to any emolument, unless the same shall have been allowed by the stockholders, at a general meeting, nor shall the directors and officers of the bank, at any time, be allowed to be debtors to the bank, as drawers of notes, bills or other obligations, for an amount exceeding one-ninth of the capital stock of the bank actually paid in. Nor shall they be allowed to be endorsers or discounters for an aggregate amount exceeding one-ninth of the capital stock actually paid in.

Of emoluments.

Directors and officers not to be debtors for more than one-ninth of the capital stock, &c.

ARTICLE VIII.

The stated meetings of the directors shall be held at such times as the bye-laws shall ordain, and special meetings may be held by particular appointments, or upon the call of the president. A majority of the whole number of directors, of whom the president shall be one, shall form a board or quorum, for the transaction of any business, but ordinary discounts may be made by the president and four other directors, in case of sickness or necessary absence of the president, his place may be supplied by a president *pro tempore*, to be appointed by the directors present from amongst their number.

Of stated and special meetings.

Quorum.

President *pro tem*.

ARTICLE IX.

The board of directors, or twenty stockholders, being together proprietors of one-twentieth part of the stock of the said bank, may, at any time, call a general meeting of the stockholders, for purposes relative to the institution, giving at least thirty days notice thereof, in the manner hereinafter prescribed, specifying in such notice the object or objects of such meeting.

How general meetings may be called.

ARTICLE X.

A general meeting of the stockholders shall be held on the second Monday of November, in every year, at which time the directors shall lay before them a general and particular statement of the affairs of the company: *Provided*, That this shall not be construed so as to compel the directors to lay before the stockholders a statement of the private account of any individual or individuals.

Of general meetings.

Provided.

ARTICLE XI.

Transfer of
stock.

Indebted
stockholder
not to trans-
fer.

In what case
shares may
be sold.

Proviso.

The stock of the company shall be assignable and transferable in such manner as the bye-laws shall ordain; but no stockholder, indebted to the institution, shall be authorised to make a transfer, or receive a dividend, till such debt is discharged, or security, to the satisfaction of the directors, given for the same. And if the said debt shall remain unpaid for the space of sixty days, then and in such case the president of the said bank may, after giving ten days notice thereof to such stockholder, or his agent, cause the said share or shares of such stockholder, or so many thereof as he may deem necessary, to be sold, and after applying the proceeds of sale (deducting expenses) to the payment of said debt, shall hold the surplus, if any, to the credit of said stockholder: *Provided always*, That no stock shall be assigned or transferred to any person or persons, directly or indirectly, except citizens of this state, of the United States, or one of them, or corporations created by the laws of any of the United States, or such foreigner or foreigners as have previously declared, as the laws direct, that he or they intend to become a citizen or citizens of the United States.

ARTICLE XII.

Rate of dis-
count.

The rate of discount at which loans may be made by the said corporation, shall not exceed one-half of one per centum for thirty days.

ARTICLE XIII.

When divi-
dends are to
be declared.

Dividends
not to impair
capital stock.

Directors
consenting,
liable, &c.

What shall
be construed
a consent.

Dividends of so much of the profits of the institution, as shall appear advisable to the directors, shall be declared, at least twice a year, on the first Monday of May and November, in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom; but they shall, in no case, exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired. If the said directors shall make any dividend, which shall impair the capital stock of said institution, the directors consenting thereto, shall be liable, in their individual capacities, to the said company, for the amount of the stock so divided. And each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

ARTICLE XIV.

Corporation
to hold such
lands only,
&c.

It shall be lawful for the said corporation to hold such lands, tenements and hereditaments only, as shall be requisite for its accommodation, in relation to the convenient transaction of its business, and such as shall be bona fide mortgaged to it, or shall be conveyed to it, in satisfaction of debts previously contracted

in the course of its dealings, or purchased at sales upon judgments obtained for such debts: But not more than fifty thousand dollars shall be expended in the purchase of grounds and the erection of a banking house, for the accommodation of the institution. The said corporation shall not directly, nor through the agency of any person or persons whatsoever, buy or sell, or in any manner trade or deal in their own stock, notes or securities, or in the stock, notes or securities of any other bank, or incorporated body, whether of the United States or of this state, of any other state, or any goods, wares or merchandise whatsoever, except bills of exchange, gold or silver coin, or bullion, or in the sale of goods which may be the product of their lands. And the said corporation shall not buy or sell, or in any manner trade or deal in, or hold any stock or securities of the funded debt of the United States, or of any of the states, treasury bills or other public securities, to an aggregate amount, exceeding one-twelfth of the capital stock actually paid in; and all and every director or officer of said bank, or other person or persons, who shall, contrary to the true intent and meaning of this act, be engaged either as principals or agents in such buying, selling, trading or dealing, shall forfeit and pay treble the value of such stock, notes treasury bills, securities, goods, wares or merchandise, to be sued for in an action of debt, one-half to the use of the person prosecuting for the same, and the other half to the use of the state. And every director present at the meeting of the board, when any such buying, selling, dealing or trading, shall be ordered and agreed to, shall be adjudged as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice of the fact to the stockholders, at a meeting which he is hereby authorised to call for that purpose: *Provided*, That said corporation shall be at liberty to receive, on pledge, any of the above mentioned stock, notes, treasury bills, securities, goods, wares and merchandise, as a collateral security for loans on promissory notes, and to sell the same within three months after such pledge shall become forfeited: *And provided*, That the bank shall not be obliged to part with any state stock, which is now owned by the present institution.

How much may be expended in buildings.

Corporation not to deal in any stock, nor in any goods, &c. except, &c.

Penalty for so doing.

Proviso.

2d Proviso.

ARTICLE XV.

The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property and legal title thereof, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money to any per-

Bills obligatory, &c. assignable.

Of bills and notes without seal.

son or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with the like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only; and all notes or bills, at any time discounted by the said corporation, or deposited for collection and falling due at the said bank, shall be and they are hereby placed on the same footing as foreign bills of exchange, or as bills obligatory, so that the like benefit shall be had in the payment and the like remedy for the recovery thereof, against the drawer and drawers, endorser and endorsers, and their representatives, and with the like effect, except so far as relates to damages, any law custom or usage to the contrary in any wise notwithstanding: *Provided*, That no notes shall be issued or received by said corporation of a lower denomination than five dollars.

Proviso.

ARTICLE XVI.

Minutes of proceedings to be kept.

The books, papers, correspondence and funds of the company shall, at all times, be subject to the inspection of the directors, who shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose; and on any question, where two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes, and those minutes shall, at all times, on demand, be produced to the stockholders, at a general meeting, or to the legislature, or any committee thereof, who shall be authorised to require the same.

Subject to inspection.

ARTICLE XVII.

Statement of affairs to be exhibited to either branch of the legislature.

It shall be the duty of the president and directors of the said bank to exhibit to either branch of the legislature, when called upon so to do, a statement of their affairs, in the form of a regular account current, or in such form as may hereafter be pointed out by the legislature, or either branch thereof, as they shall stand on any day to be designated, specifying particularly the amount of their capital stock, notes in circulation, deposits, debts due to other banks, contingent fund, notes and bills discounted, stocks, real estate, bonds, mortgages, notes of and debts due by other banks, gold and silver on hand, and such other information as may enable the legislature to form a correct knowledge of their actual condition and of the currency: *Provided*, That such a statement of their affairs, as they shall stand on the first Monday of November, in each year, shall, annually, in the month of December, be transmitted, under the oath or affirmation of the

Proviso.

president or cashier, to the auditor general, who shall, within the month of January following, lay the same before the legislature.

ARTICLE XVIII.

The said corporation shall not at any time suspend or refuse payment in gold or silver of any of its notes, bills, or obligations, nor of any moneys received upon deposit in said bank; and the cashier of said bank shall, when required, give a certificate of the time and amount of every such deposit, to the person who makes the same, or his, her, or their, legal representatives. And if the said corporation shall at any time refuse or neglect to pay on demand in gold or silver, any bill, note, or obligation, issued by the corporation according to the contract, promise, or undertaking, therein expressed, or shall neglect or refuse to pay on demand in gold or silver as aforesaid, any monies received in said bank on deposit, to the person or persons entitled to receive the same, then and in every such case, the holder of such note, bill, or obligation, or the person or persons entitled to demand and receive such monies, as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations, or monies, until the same shall be fully paid and satisfied, at the rate of twelve per cent per annum from the time of such demand as aforesaid. And it shall be the duty of the president or cashier of said bank, and he is hereby required to make, at the time of demand being made for the payment of any note, bill, or obligation, or money deposited as aforesaid, the payment of which in gold or silver shall have been refused, an endorsement on the said note, bill, obligation or certificate, setting forth the day and year when the payment thereof was demanded, and subscribe his name thereto. And in case the said president or cashier shall neglect or refuse to make such endorsement at the time and in the manner hereinbefore required, he shall forfeit and pay to the holder of such note, bill, obligation, or certificate, the sum of twenty-five dollars, to be recovered in the same manner as debts of like amount are or may be by law recoverable. *Provided*, That no holder of any such note, bill, obligation, or certificate, shall be entitled to the said interest for a longer period than three months, by virtue of any such endorsement, unless upon a subsequent demand at or after the expiration of the said three months, payment shall be again neglected or refused, in which case he or she shall be entitled to the said interest from the date of the first endorsement until three months after the expiration of the last endorsement; and the holder of any such note, bill, obligation, or certificate, is hereby authorized to demand payment of the same, at and after the expiration of every three months from any preceding demand and refusal, and the date of the second, and every subsequent demand or neglect or refusal to pay, shall be endorsed by the president or cashier on the note, bill, obligation, or certificate, in manner aforesaid, and under the same penalty for refusal that is pre-

Not to suspend specie payment.

Of deposits.

Penalty for refusing to pay specie.

Duty of president or cashier, where specie is refused to be paid, &c.

Penalty for neglect.

Proviso.

scribed in the preceding part of this article. And in case the holder of any such note, bill, obligation, or certificate, or his or her executors, administrators, or assigns, shall commence suit against the said bank for the recovery of the amount due from the same, then the said interest shall be recovered on the said amount until it is paid and satisfied, without any further demand being made of said bank.

ARTICLE XIX.

Proceedings where bank refuses to pay specie after the expiration of 3 months from the time of the first refusal.

When Governor shall issue his Proclamation annulling the charter.

Proviso.

Upon the refusal of the said bank to pay any of its notes, bills, obligations or deposited monies, in gold or silver, at or after the expiration of three months, from the time of the first refusal of said bank to pay as aforesaid, it shall and may be lawful for the holder or proprietor of the same, to make application, in writing, to any judge of any court in the proper county, to allow him or her to make proof of said refusal, on oath or affirmation, by at least one disinterested witness, before said judge, whose duty it shall be to give at least ten days notice to the president or cashier of said bank, of the time and place of making such proof, in order that an opportunity may be afforded for rebutting the same by testimony. And if the facts be substantiated, it shall be the duty of the said judge to reduce the same to writing, and to transmit the same to the Governor. And it shall be the duty of the Governor, immediately on the receipt of the written proof above specified, to issue his proclamation, declaring the charter of the said bank to be forfeited, and from and after the tenth day after the date of the said proclamation, the charter of the said bank shall be absolutely null and void and of no effect whatsoever, except that the said bank shall be liable, in its corporate capacity, for the fulfilment of all contracts previously made and entered into by it, and the stockholders thereof shall have power to elect directors, as usual, and be capable of compelling the fulfilment of any contract entered into with said bank, previously to the date of the said forfeiture: *Provided*, That in case of forfeiture of the charter of said bank by the proclamation of the Governor, as aforesaid, the said bank shall not be compelled to pay more than six per cent. per annum, after the date of said proclamation, for any notes, bills or obligations, or deposited monies, which the said bank may have refused to pay, in gold or silver, as aforesaid, or which the said bank shall refuse to pay, as aforesaid, after the forfeiture of said charter.

ARTICLE XX.

In case of a suspension of specie payments, bank not to issue its notes, except, &c.

In case of a suspension of payment in gold or silver, as aforesaid, it shall not be lawful thereafter for the said bank to issue its own notes, except to such claimants of deposit monies, as may demand them in lieu thereof, or to make or declare any new loan or dividend until the said bank shall pay, in gold or silver, the note or notes, bill or bills, obligation or obligations, or deposited monies, which the said bank may have refused to pay as

aforesaid. And if any such note be issued, except as is above excepted, or any such loan or dividend be made or declared, the directors consenting to the same, shall be liable, each in his individual capacity, to pay the amount thereof to any person or persons holding notes of the bank, or having a claim for deposit monies to an equal amount, who shall first sue for the recovery of the same: *Provided*, That nothing herein contained shall be construed to prevent the said bank from continuing or renewing the notes or obligations of those who may be indebted to it, as occasion may require.

Directors
consenting to
be liable, &c.

Proviso.

ARTICLE XXI.

The legislature may, at any time or times hereafter, appoint a joint committee, whose duty it shall be to inquire and examine into the credit and situation of the said bank, to ascertain the debts and credits thereof, and whether it is in a flourishing or declining situation. And for this purpose, the directors for the time being, shall furnish the necessary information to the committee. And said committee shall have power also, if they deem it necessary, to demand the personal inspection of all the specie and books of the bank, that may tend to elucidate their inquiry. And the committee, having performed such duty, shall report to their respective houses the result of such examination: *Provided*, That this shall not be construed to imply the right of inspecting the account of any individual, or individuals, with the said bank, other than the officers of the same, except the president.

Right of the
legislature to
examine into
the credit &
inspect books
of the bank.

Proviso.

ARTICLE XXII.

The corporate powers, rights and privileges of the said bank shall, after the expiration of the term for which this charter has been granted, for the liquidation and settlement of all its transactions and accounts, and for no other purpose, be and continue in force until the same be fully liquidated and settled.

Of the set-
tlement of
the affairs of
the corpora-
tion.

ARTICLE XXIII.

Any person or persons, who shall print, sign, alter, publish, or pass, or be concerned in the printing, signing, altering, publishing or passing any counterfeit note or notes, bill or bills of the bank aforesaid, knowing them to be such, or who shall alter or be concerned in the altering of any genuine note or notes, bill or bills of the said bank, with intent to defraud, and shall be convicted thereof, shall be sentenced to undergo an imprisonment, at hard labor, for a term not exceeding ten years, for any offence; but no person shall be imprisoned, under the provisions of this act, for a continued time exceeding fifteen years, and shall be kept, treated and dealt with, in all respects, as other convicts now are, or may hereafter be by law. And the clause, limiting the duration of this act, shall not, in any manner, affect prosecutions for the offences here enumerated; but they shall be carried on against all offenders, as if this act had been perpetual.

Penalty on
making or
passing any
counterfeit
notes or bills.

ARTICLE XXIV.

Penalty on engraving, &c. with intent to forge or counterfeit notes or bills, &c.

That if any person, or persons, shall make or engrave, or cause or procure to be made or engraved, or shall have in his, her or their custody or possession, any metallic or other plate, engraved after the similitude of any plate, from which any notes or bills, issued by the said corporation, shall have been printed, with intent to use such plate, or to cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation, or shall have in his, her or their custody, or possession, any blank note or notes, bill or bills, engraved and printed after the similitude of any note or notes, bill or bills issued by said corporation, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the note or notes, bill or bills issued by the said corporation, or shall have in his, her or their custody or possession, any paper, adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of the said corporation shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said corporation, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor, for a term not exceeding five years, or shall be imprisoned for a term not exceeding five years, and fined in a sum not exceeding one thousand dollars.

ARTICLE XXV.

Five hundred shares to be subscribed in the Chesapeake & Delaware canal company.

When to be transferred to the commonwealth.

Proviso.

2d Proviso.

3d Proviso.

The said Philadelphia bank shall subscribe for five hundred shares in the stock of the Chesapeake and Delaware canal company, to be paid for by said bank, at such times and in such instalments as may be required by the said Chesapeake and Delaware canal company, the dividends upon which shares shall be received by the said bank, for and during the period of fifteen years from the date of the said subscription, and at the expiration of the said period, the said shares shall be transferred to and become the exclusive property of this commonwealth: *Provided*, That the bank shall not be required to pay any part of the above subscription, until the company shall have expended and paid, subsequent to the passage of this act, two hundred thousand dollars in making the said canal: *And provided further*, That if the bank should not be called upon, within four years after the passage of this act, to invest the above sum, or any part thereof, in the stock of the Delaware and Chesapeake canal, that it shall be the duty of the president and directors of the said bank, to forward, at that time, the amount that would have been paid, at the rate of eight per cent. on the dividends that have been made previous to that date, and eight per cent. on the dividends or net profits, on the first Mondays of November, in every year thereafter: *Provided*, That the said stock shall not be chargeable with any debts of the company heretofore contracted.

ARTICLE XXVI.

The president and directors of the said bank shall furnish to each of the stockholders, on demand, a printed copy of the act of incorporation, and of the bye-laws.

Act of incorporation and bye-laws to be furnished.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all bills or notes printed and remaining with the said corporation, or issued by order of the said corporation prior to the first day of May, one thousand eight hundred and twenty-four, and afterwards received by them, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, shall thereafter be negotiable by the said corporation of the Philadelphia Bank, in the like manner as if the same were made and issued by the corporation of the Philadelphia Bank, hereby enacted: *Provided,* That no such notes shall be re-issued by the said corporation of a lower denomination than five dollars.

Bills and notes of the said corporation to be negotiable by corporation hereby created.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That there shall be four directors on the part of the commonwealth, to be invested with the same powers as the directors authorised to be elected by the stockholders, and to be chosen in the month of December in each year, two by each branch of the legislature, on such day as it may appoint to serve for one year, and they shall always be eligible. And it shall be the duty of the president and directors of the said bank to transmit annually, to each house, during the first week of its session, in December, a fair and correct list of the stockholders: *Provided,* That the power of choosing directors by the general assembly shall continue only so long as the commonwealth remains a stockholder in the said bank.

Four directors to be elected by the legislature.

List of stockholders to be laid before leg. annually.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the notice for the election of directors, and for a general meeting of the stockholders of the said bank, required by the third section of this act, shall be published in at least two of the daily newspapers printed in the city of Philadelphia.

Notice of elections and general meetings how published.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the act passed on the third day of March, in the year one thousand eight hundred and nine, entitled, "An act allowing the Philadelphia Bank to establish branches," be and the same is hereby extended during the continuance of this charter, except so far as the same authorises the establishment hereafter of offices of discount and deposit other than those now in actual existence.

Act of 3d of March, 1809, continued, except, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the stock of the Philadelphia Bank, now owned by the commonwealth, shall stand as heretofore; and it shall be lawful for the Governor, at any time during the continuance of this charter, to subscribe at par, for, and on account of the commonwealth, for the additional number of two thousand shares,

State's stock.

Governor may subscribe for 2,000 additional shares.

at one hundred dollars each, as was provided by the original charter of the said bank.

Bank to loan \$100,000 to the state at 5 per cent. **SECT. 9** *And be it further enacted by the authority aforesaid,* That whenever the legislature of the state may require it, the said bank shall loan to the commonwealth a sum not exceeding five per cent. on the amount of the capital stock actually paid in, at an interest not exceeding five per cent. per annum, for any term not exceeding the unexpired term of the charter, granted in pursuance of this act; and if the said bank should neglect or refuse to comply with this requisition, when called on, then the charter, hereby granted, shall become null and void: *Provided,* That at least sixty days notice shall be given, by the Governor, to the bank, previous to any application for such loan or loans: *And provided further,* That any money thus loaned to the state, shall not be drawn from the said bank, for the purpose of being deposited in any other bank, but shall remain in the bank, subject to the order of the state, at such times and in such sums as the exigencies of the state may require.

Proviso.

2d Proviso.

When this act shall go into operation. **SECT. 10.** *And be it further enacted by the authority aforesaid,* That this act shall not go into operation until the first day of May, one thousand eight hundred and twenty-four, nor then, unless the president and directors of the said Philadelphia bank shall, on or before the first day of October next, express, in writing, addressed to the Secretary of the commonwealth, their acceptance for the stockholders of this charter, then and in that case all former laws, which are hereby altered and supplied, be and the same are hereby repealed from the said first day of May, one thousand eight hundred and twenty-four: *Provided,* That if the president and directors of the said Philadelphia bank shall not, before the second day of October next, express, as above, their acceptance for the stockholders of this charter, then this act to be void and of none effect.

Repeal of former laws.

Proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-eighth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXV.

AN ACT

To erect the town of Meadville and its vicinity, in the county of Crawford, into a borough, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Meadville and its vicinity, in the county of Crawford, comprised in the following limits, viz: Beginning at the east end of Kenedy's bridge, and thence along the Mercer and Meadville turnpike road, to the place where the south line of South Alley crosses said road; thence east along said alley, to the Susquehanna and Waterford turnpike road; thence south along said road, to the place where the north line of William Clark's farm crosses the same; thence east along the said line, to the east end of the town tract; thence north along the said line, to the north-east corner of Samuel Lord's farm; thence west along the north line of the said Samuel Lord's land, to the bank of French creek; thence down the meanders of said creek, to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called the Borough of Meadville.

Boundaries
of the bo-
rough.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons, entitled to vote for members of the legislature, who have resided in said borough six months previous to any election, to meet at the court house, on the first Monday in May, in each and every year, and then and there elect, by ballot, between the hours of twelve and six o'clock in the evening, one reputable citizen, residing therein, who shall be styled the Burgess of the said borough, and five reputable citizens, to be a town council; and also to elect, as aforesaid, a high constable: but previously to any such election, the inhabitants shall elect three reputable citizens, one of whom shall preside as judge, one as inspector, and the other discharge the duty of clerk, according to the general election law of this commonwealth, so far as relates to the receiving and counting the votes; and shall be subject to the same penalties for malpractices, as by the said election laws are imposed; and the said judge, inspector and clerk, before they enter on the duties of their respective offices, shall take an oath or affirmation, before some judge or justice of the peace, in the county of Crawford, to perform the same with fidelity; and shall hold said elections, from time to time, as occasion may require, and receive and count the ballots, and declare the persons having the greatest number of votes, to be duly elected, whereupon duplicate certificates thereof shall be signed by the said judge, inspector and clerk, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation, for their safe keeping; and in case of vacancy by death, resignation, refusal to accept, or removal from the said borough, of any of the

Qualification
of electors.

Burgess,
town council,
&c. to be
elected.

Of judge, in-
spector and
clerk.

To be under
oath.

Returns of
elections
how to be
made.

Vacancies
how sup-
plied.

said officers, or if the election should not be held on the day appointed in this act, the burgess, or in his absence or inability to act, the first named of the town council, shall issue his precept, directed to the high constable, requiring him to hold an election to supply such omission, or to fill such vacancy, he giving at least ten days notice, by advertisements set up at four of the most public places in said borough.

Corporation
created.

Style.

Powers and
privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the burgess and town council, duly elected as aforesaid, and their successors, forever, shall be one body politic and corporate in law, by the name of "The burgess and town council of the borough of Meadville," and shall have perpetual succession; and the said burgess and town council aforesaid and their successors, forever, shall be capable in law, to have, get, receive, hold and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors, in fee simple, or otherwise, all goods, chattels and other things, of what nature and kind soever, not exceeding the yearly value of three thousand dollars; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, rents, goods and chattels; and by the name aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever; and to have and to use one common seal, and the same, from time to time, at their will, to change and alter.

Penalty for
refusing to
act as offi-
cers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person, duly elected, as aforesaid, having been notified, as before directed, shall refuse or neglect to take upon himself the duties of the office to which he shall have been elected, every person, so refusing or neglecting, shall forfeit and pay, if a burgess, ten dollars, and for any other officer, five dollars, which fine, and all other fines and forfeitures incurred and made payable, in pursuance of this act, or of the bye-laws and ordinances of the town council, shall be for the use of the said corporation, to be recovered as debts of equal amount are or may be by law recoverable; but no person shall be compelled to serve more than one in any term of five years.

Burgess, &c.
to be under
oath.

Oaths to be
recorded.

May make
bye-laws.

Assess taxes.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the burgess, town council and high constable, and each of them, shall take an oath or affirmation, before any judge or justice of the peace of said county, to support the constitution of the United States and of this state, and well and truly to execute the duties of their respective offices, in the borough of Meadville; and the certificate of such oath or affirmation shall be recorded in the books of the said corporation.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the town council to meet as often as occasion may require, and enact such bye-laws and make such rules, ordinances and regulations, assess, apportion and appropriate such taxes, as shall be determined by a majority of the town council, necessary to promote the peace, good order,

benefit or advantage of said borough, as they shall think necessary; and also to appoint a town clerk, and such other officers as may be deemed necessary by a majority of the town council; but no bye-law, rule or ordinance, enacted as aforesaid, shall be repugnant to the constitution and laws of the United States, or of this state; and no person shall be punished for a breach of any bye-law or ordinance, enacted for the regulation of the said borough of Meadville, unless a true copy thereof be set up at three of the most public places in said borough; and no bye-law or ordinance shall be carried into operation, in less than three weeks after such publication: *Provided nevertheless*, That no tax shall be laid, in any one year, on the valuation of taxable property, exceeding one cent in the dollar, unless some object of general utility should be thought necessary, in such case a majority of the taxable inhabitants of said borough, by writing, under their hands, shall certify the same, to the town council, who shall proceed to assess the same, as aforesaid.

Appoint town clerk, &c.

Bye-laws not to be inconsistent with constitution and laws of the U. S. or of this state.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid*, That the burgess, elected agreeably to this act, is hereby authorised and empowered to issue his precept, directed to the high constable, commanding him to collect all taxes assessed, from time to time, as aforesaid, and all fines and forfeitures that may become due by virtue of this act, or by the ordinances or regulations of the corporation, and the same to pay over to the treasurer, to be appointed by the town council, and to carry into effect whatsoever is enjoined on him for the well ordering and governing the said borough.

Burgess to issue his precept for the collection of taxes.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the burgess shall be and is hereby required to cause the bye-laws, rules, ordinances and regulations, made as aforesaid, to be recorded in a book to be kept for that purpose, and he shall carry the same into full execution, without delay, after the publication thereof, as directed by this act; and it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal, records, papers and other documents, relating to the said corporation, and in default, he shall be answerable to any person concerned, for all damages, and may be removed from office by the burgess, on complaint of a majority of the council; and the high constable shall perform all duties on him enjoined by this act, and also by the bye-laws and ordinances of the town council, under the like penalties: *Provided, always*, That if any person or persons shall think him, her or themselves aggrieved, by anything done in pursuance of this act, he, she or they may appeal to the next court of quarter sessions, to be held for the proper county, on giving security according to law, to prosecute him, her or their appeal with effect, which court shall take such order therein, as shall be just and reasonable, which order or judgment shall be conclusive against all parties.

Duty of burgess.

Duty of town clerk.

Proviso.

Officers of
the borough
to render
their ac-
counts.

This act not
to prevent
the erection
of the court-
house, &c. on
public square

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the high constable, town clerk and all officers appointed by the town council, to render their accounts to the said council, once in every year, which being settled and adjusted by the said council, shall be published, shewing particularly the amount of taxes levied, fines collected, and of all receipts and expenditures which shall have been made.

SECT. 10. *And be it further enacted by the authority aforesaid,* That nothing in this act shall be in any wise construed, so as to prevent the erection of the court house and public offices, for the county of Crawford, on the public square, in the said borough of Meadville, agreeably to the act of assembly, for that purpose, passed the fifth-day of March, one thousand eight hundred and four.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXVI.

AN ACT

To authorise the sale of the interest of minor children in certain real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same* That Samuel Cochran, guardian of William Dunlap, and of Peter, Eliza and Jane Smith, minors and grand children of James Dunlap, formerly of Chester county, deceased, be and he is hereby authorised to sell and convey all the right, interest and property of the said minor children, in and to the real estate of their said grandfather, James Dunlap, deceased, in the said county of Chester, and to make a good and sufficient title therefor: *Provided, however,* That nothing herein contained shall affect the rights of any other persons: *And provided further,* That before sale is made, as aforesaid, the said Samuel Cochran shall give

security, to the orphans' court of Chester county, in such sum as shall be directed by the said court, for the faithful appropriation of the proceeds of the said sale, according to law.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXVII.

AN ACT

To authorise and empower Dorothea Smith, administratrix of Jacob Smith, deceased, to convey certain real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Dorothea Smith, widow and sole administratrix of Jacob Smith, deceased, formerly of Germantown, in the county of Philadelphia, be and she hereby is authorised and empowered to sign, seal, deliver and acknowledge a good and sufficient deed, in fee simple, to John Knorr, of Germantown, in the county of Philadelphia, cedar cooper, his heirs and assigns, for a certain messuage or tenement, and lot or piece of ground, situate on the westerly side of the main street, in Germantown aforesaid, containing, in breadth, on the said main street, fifty-five feet, and in length or depth extending three hundred and thirty-five feet, narrowing at the rear to the breadth of about fifty feet, bounded, eastwardly, by the said main street, northwardly by land of Anthony Johnson, westwardly partly by the next described lot or piece of ground, and partly by ground of Peter Didier, and southwardly by Peter Didier's ground; and also all that adjoining strip or piece of meadow ground, containing, in breadth, ten feet, and in length or depth, two hundred and forty nine feet, bounded, eastwardly, by the above described lot, northwardly by ground of the said Anthony Johnson, westwardly by ground of

Authority to convey certain real estate.

Proviso.

2d Proviso.

Michael Keyser, and southwardly by ground of the said Peter Didier, (being the same premises devised to the said Jacob Smith, in fee, by the last will and testament of his father, George Smith, who died, seized thereof,) with all and singular the right and appurtenances whatsoever thereunto belonging, or in any wise appertaining: *Provided, always, nevertheless,* That the said administratrix shall not, by the said deed, convey any other or greater estate, in the said premises, than the said Jacob Smith had therein, at the time of the sale thereof; and provided, also, that the said John Knorr, the purchaser of the said premises, shall pay, or assume to pay the incumbrances thereon, at the time of his purchase, and shall also pay to the said administratrix, for the use of those legally entitled thereto, the balance of the purchase money, after deducting therefrom the amount of the said incumbrances, and what he has paid on account, according to the terms of the fair and regular sale of the said premises, by public vendue, on the twenty-first day of November, Anno Domini, one thousand eight hundred and twenty-two: *And provided, also,* That before the said administratrix proceeds to execute the powers hereby vested in her, she shall give bond to the commonwealth, with one or more sufficient securities, to be approved of by the orphans' court of the county of Philadelphia, and in such penalty as the said court may direct, conditioned for the proper and legal appropriation or distribution of the money, which may come into her hands, under the provisions of this act, which bond shall be filed in the office of the clerk of the court aforesaid, for the use of the persons interested.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXVIII.

A Supplement

To the act entitled "An act to compel assignees to settle their accounts, and for other purposes."

WHEREAS, in and by an act of the general assembly of this commonwealth, entitled "An act to compel assignees to settle their accounts, and for other purposes," passed the twenty-fourth

March, one thousand eight hundred and eighteen, provision is made and a remedy provided, in certain cases of trust therein specified. AND WHEREAS, justice and the public good demand; that the provisions of the said act should be extended, so as to embrace other cases of trust not therein provided for, but falling, nevertheless, within the reason of the said act, and requiring a prompt and summary remedy:

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourth section of the act to which this is a supplement, entitled "An act to compel assignees to settle their accounts, and for other purposes," passed the twenty-fourth March, one thousand eight hundred and eighteen, shall be and the same is hereby extended to all cases where any estate, real, personal or mixed, hath heretofore been, or may hereafter be conveyed, assigned or transferred to any person or persons, in trust, either for femes covert, minors, or others; and upon the application of the cestui que trust, or legal representative of the person entitled to the estate, to the court of common pleas of the proper county, the same proceedings shall be had as are directed and prescribed in and by the fourth section of the said act; and if any of the cases, specified in the said fourth section, shall be made out, to the satisfaction of the said court of common pleas, they shall, upon the petition of the cestui que trust, or legal representative of the person entitled to the estate, dismiss the trustee or trustees, so complained of, and appoint such new trustee or trustees, as shall be agreeable to the cestui que trust, or legal representative of the person entitled to the estate, and as shall be approved by the said court.

Fourth section of the act of March 24, 1818, extended to certain trust estates.

SECT. 2. *And be it farther enacted by the authority aforesaid,* That in every case of the appointment of any new trustee, or trustees, under and by virtue of this act, all the estate which, in and by the deed or instrument, creating the trust, was before vested in the dismissed trustee or trustees, shall, *eo instante*, upon the new appointment, be transferred to and vested, by operation of this act, in such new trustee, or trustees, appointed as aforesaid, so as to invest him or them with all the legal rights, remedies and powers, which had before been vested in the old trustee or trustees; and the said new trustee, or trustees, shall be liable to perform the same duties, as in and by the said deed or instrument, creating the trust, is pointed out and prescribed, with regard to the trustees therein named; and the same power and control shall be always exercised by the said court of common pleas, over and with regard to such new trustee, or trustees, as is prescribed by this act, in relation to the original trustees; and such new trustee, or trustees, shall, in all respects, be regarded as to all future acts and proceedings, precisely in the same light as if he or they had been named in the said deed or instrument, cre-

If new trustee be appointed, estate shall *eo instante* vest in him.

Duties of new trustee.

Power of court.

ating the trust, instead of the trustee, or trustees therein actually named, and so dismissed from the trust; and the said courts of common pleas shall have the power to pass the same orders and decrees, in relation to the said trusts, and to carry them into effect, in the same manner as in and by the said fourth section is specified and directed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the twenty-ninth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER LXXXIX.

AN ACT

To authorise the executors of the last will and testament of Robert Annan, deceased, to mortgage his real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Annan and Doctor Samuel Annan, executors of the last will and testament of the Reverend Robert Annan, late of Lancaster county, deceased, be authorised and empowered to borrow, on mortgage of the real estate of the said testator, situate within the city or county of Philadelphia, such sum or sums of money, as the orphans' court, of the county of Philadelphia, shall, from time to time, think necessary and order, for the purpose of paying the debts of the said estate, and the legacies mentioned in the said last will and testament.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XC.

A Supplement

To the act entitled "An act establishing an Academy in the town of Ebensburg, and granting a sum of money thereto, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the trustees of the Ebensburg Academy, be and they are hereby authorised and empowered to withdraw from their invested funds, the sum of one thousand dollars, and the same to apply towards erecting suitable buildings for the accommodation of the tutors and pupils of the said academy: *Provided*, That if the said sum of one thousand dollars shall be more than sufficient to erect such buildings, then so much only, as shall be necessary therefor, shall be expended by the said trustees, and the balance re-invested in some safe and productive fund, according to the provisions of the act to which this is a supplement.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

~~APPROVED~~—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCI.

AN ACT

To authorize the settlement of certain accounts between the government of the United States and this commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the Auditor General of this commonwealth, be and he is hereby authorised to adjust and settle, with the government of the United States, or any lawfully authorised department or agent thereof, all accounts between this commonwealth and the United

States, for arms or other military property or stores, which passed between them during the late war, on such principles as he shall deem equitable and just, subject, however, to the approbation of the Governor of this Commonwealth, and render an account thereof to the next legislature.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCII.

AN ACT

To repeal an act entitled "An act to incorporate the old Columbia Water Company."

Act of 31st
March, 1821,
repealed.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the act entitled "An act to incorporate the old Columbia Water Company," passed the thirty-first March, one thousand eight hundred and twenty-one, be and the same is hereby repealed: *Provided.* That the powers granted to the president and managers of the said company, by the eighth section of the said act, to elect trustees to let or lease the public ground in the said borough, shall revert back to the inhabitants of said old Columbia, who shall possess and enjoy all the authorities and powers vested in them, by the fourteenth section of the act entitled "An act to incorporate the town of Columbia, in the county of Lancaster, passed the twenty-fifth February, one thousand eight hundred and fourteen, the provisions of which section are hereby revived and re-enacted as fully and effectually, to all intents and purposes, as if the same had never been altered or repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,*
That the president and managers of the said company shall direct their treasurer to pay over all the monies remaining in his hands, to the trustees hereafter to be elected by the inhabitants of the said old Columbia, by virtue of the fourteenth section of the act to incorporate the town of Columbia aforesaid.

Treasurer of
the company
to pay over
monies.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HESTER:

CHAPTER XCIII.

AN ACT

Authorising the Governor to incorporate the Columbia Water Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*
That Christian Brenneman, Jacob Forrey, Jacob Mathiot, James Clyde, and James Sweeney, or any three of them, are hereby appointed commissioners to do and perform the several matters and things hereinafter mentioned, that is to say, They shall, on or before the first day of May next, procure a book and shall enter therein as follows: "We, the subscribers, promise to pay to the president and managers of the Columbia Water Company the sum of twenty-five dollars for every share set opposite to our respective names, in such manner and proportions and at such times as shall be determined by the said company, in pursuance of an act of the general assembly, entitled "An act authorising the Governor to incorporate the Columbia Water Company." Witness our hands, the day of in the year of our Lord one thousand eight hundred and twenty-three;" and shall, thereupon, give notice in six or more printed or written advertisements; put up in the most public places in the borough of Columbia, when and where the said books shall be opened to receive subscriptions of stock, which place shall be

Commissioners appointed to receive subscriptions of stock.

Notice to be given.

within the borough of Columbia, at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names, or in the names of others, when they shall appear to be duly authorised, to subscribe for any number of shares, in the said stock; not exceeding three on the first day; and the said book shall be kept open two days, or until four hundred shares shall have been subscribed. And the said commissioners, or the officers of the company, after the same shall have been organised, may at any time afterwards, open the book for the subscription of shares till the whole number aforesaid shall be subscribed. *Provided*, That every person offering to subscribe in the said book, in his own name, or in the name of any other person, shall previously pay to the attending commissioners, or officers, two dollars for every share to be subscribed by him, out of which shall be defrayed the expenses attending the taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organised and the officers chosen, as hereinafter mentioned.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty or more persons shall have subscribed one hundred shares of the said stock, or more, the commissioners shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each, to the Governor of this commonwealth, and thereupon it shall be lawful for the Governor, under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style, and title, of "The Columbia Water Company," and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, necessary for the purpose of supplying the inhabitants of the borough of Columbia with water, and for no other purpose whatever; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling and transferring, in fee simple, or for any less estate, such lands, tenements, hereditaments, and estates, real or personal, as shall be necessary in the prosecution of their works, and of suing and being sued, and of doing every matter and thing which a corporation or body politic may lawfully do. *Provided*, That the yearly income of the said real estate shall not exceed the sum of five thousand dollars.

SECT. 3. *And be it further enacted by the authority aforesaid*, That any three or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least fifteen days notice in six or more printed or written advertisements, put up in the most public places within the borough of Columbia aforesaid, of the time and place for the subscribers

Who may
subscribe.

Whole num-
ber of shares.

Proviso.

When letters
patent may
issue.

Style.

Powers and
privileges.

Proviso rela-
tive to yearly
income.

Mode of or-
ganising the
corporation.

to meet and hold an election for officers of the company, who shall choose, by ballot, nine managers, who shall be stockholders to conduct the affairs of the company, until the first Monday in January then next ensuing; and in all elections, each stockholder shall be entitled to one vote for each share bona fide held by him not exceeding five; but no stockholder shall be entitled to more than five votes at any election, and the said managers shall appoint one of their number, president of the board, who shall sign all contracts and certificates of stock. The president and managers, shall have power to appoint a treasurer and such other officers and agents as may be necessary, and the election for officers, shall be held annually, on the first Monday in January, at the town hall, in the borough of Columbia, of which at least fifteen days notice shall be given, in six or more printed or written advertisements, put up in the most public places within the borough of Columbia. And when vacancies happen, the managers shall supply them, from time to time, from among the stockholders, until the next annual election: *Provided*, That no stockholder not residing within the borough of Columbia, shall be eligible as a manager or treasurer of the company: *And provided*, That no misnomer, nor failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as heretofore directed to be given for elections: *And provided also*, That the managers shall not be entitled to receive any compensation for their services.

Nine managers to be chosen.

President to be appointed.

Of the treasurer & other officers.

Annual election.

Proviso.

2d Proviso.

3d Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the president and managers, shall procure a common seal, and the certificates of stock and other official acts, shall be authenticated by affixing the same, and the president and managers, shall procure certificates for all the shares of the stock of the said company, and shall give one such certificate signed by the president, and countersigned by the treasurer, and sealed as aforesaid, unto each person for every share held by him or her, as soon as ten dollars shall be paid on such share, and every such certificate shall be transferable in person, or by attorney duly authorised, in the presence of two credible witnesses, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of the corporation, and possess and enjoy, all the rights, privileges, benefits and emoluments, to which he would have been entitled, if he had been an original subscriber.

Certificates of stock how and when issued.

How transferable.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers, or any five of them, shall have power to adopt such bye-laws, rules and regulations, as may be deemed expedient for the well governing the affairs of the company; and shall also have power to call special meetings of the stockholders, when any circumstances shall occur, which may

Power to make bye-laws.

Proviso.

render it necessary to consult them: *Provided*, That such bye-laws, rules and regulations, shall in no wise contravene the constitution and laws of this commonwealth.

Of meetings
of President
& managers.

Minutes to
be kept.

May contract
with work-
men, &c.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the president and managers, shall meet at such times and places, as shall be directed by their bye-laws; and when met, five members shall be a quorum; and in the absence of the president, a chairman may be chosen of their number met; and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books, to be kept for such purposes; and a quorum being formed, they shall have full power to employ and contract, with the engineers, artists and such workmen as they may deem necessary, to carry on and complete their intended works, as well as to uphold, alter and repair the same; and also, to fix the times and manner, and in what proportion the stockholders shall pay the monies due on their respective shares; and to draw on the treasurer for all monies, that may be required to carry into full effect this act, or that may be required by their bye-laws, rules and regulations, and generally to do all such other matters and things, as by this act, or their bye-laws, rules and regulations, they shall be authorised to do.

Duty of pres-
ident & man-
agers.

May dig and
lay pipes.

Making
amends.

Proceedings
where parties
cannot
agree.

Power to re-
new and lay
pipes.

And make
cisterns, &c.

SECT. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the president and managers, as soon may be, after the company shall be organised, to proceed to bring and convey, some stream of water, within the said borough of Columbia, by means of pipes, trunks, or aqueducts; and also, to provide suitable cisterns, or reservoirs, for the reception thereof, and for these purposes, may enter into such lands and enclosures, as may be necessary; and to dig ditch and lay pipes through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them; when the parties cannot agree, then on application made to the court of common pleas, in and for the county of Lancaster, the said court shall appoint three disinterested freeholders, who after being duly sworn or affirmed, justly and truly, to assess such damages they shall view, and assess the same. And the president and managers, shall at all times, (paying damages as aforesaid,) have liberty to renew and repair the pipes, wherever laid on, and through private property, doing as little damage as possible; and shall also, have liberty at all times, to dig and lay pipes, along roads and highways, and the streets and alleys, of the borough of Columbia, and to renew and repair the same, shutting up and amending any breaches, which they may respectively make; as soon as possible, and it shall be lawful, for them to make cisterns and reservoirs, in the streets, in the said borough, where the same may be necessary.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the said president and managers, shall in such streets or parts of the borough of Columbia, where pipes shall be required,

erect hydrants, to be used solely for extinguishing fires, and they shall have liberty at all times, where the pipes shall be laid in, and through any of the streets and alleys, in said borough, to suffer individuals to be supplied with water, for domestic or manufacturing use, for such reasonable compensation, as shall from time to time, be agreed on by the company, and such individuals, according to certain uniform rates, which the president and managers, shall hereafter adopt, having regard to the probable quantity of water, which such applicants are likely to consume.

Hydrants to be erected, &c.

Individuals to be supplied with water.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the president and managers shall call in the capital stock, by instalments, as the same may be required, and if any stockholder shall neglect, after thirty days notice, published in six or more printed or written advertisements, put up in the most public places within the borough of Columbia aforesaid, payment may be enforced, as in other cases; and whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president and managers shall declare a dividend on the stock, paid in half yearly, on the first Mondays of February and August, in each year, and shall publish the said dividend and the place where the same will be paid, and shall cause the same to be paid accordingly: *Provided,* That whenever the clear annual income of the company shall exceed ten per cent. on the capital stock, the water rents or sums of money charged for the use of water, shall be regulated in such manner, that the average dividend declared shall never exceed that rate.

Of the capital stock.

When dividends are to be declared,

Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid,* That any person who shall wilfully destroy or injure, in any manner, the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of them, or any of the works of the said company, erected in pursuance of this act, or shall wilfully corrupt or otherwise render unwholesome, the stream of water which shall be conveyed and brought into the borough of Columbia, by the said company, shall, on being thereof convicted, before any justice of the peace, in and for the county of Lancaster, by the oath or affirmation of one or more credible witnesses, pay a fine not exceeding twenty dollars, one-half to the use of the poor of the county, and the other half to the informer, and shall moreover remain liable for all damages to the company.

Penalty for injuring works, or rendering water unwholesome,

How recoverable.

SECT. 11. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work, within three years after the passing of this act, or shall not, within five years afterwards, complete the same so far as to have conveyed the water within the limits of the said borough of Columbia, in either of these cases, all and singular the rights, lib-

Limitation.

erties and franchises, hereby granted to the said company, shall revert to this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCIV.

A Further Supplement

To the act entitled “An act to incorporate the city of Lancaster.”

Proceedings
of constables
elected under
a certain or-
dinance of
the city,
ratified.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the acts and proceedings of the constables, elected by the freemen of the city of Lancaster, under the authority of an ordinance of the said city, passed on the seventh day of March, one thousand eight hundred and twenty, entitled “An ordinance repealing part of the fourth section of an ordinance, entitled an ordinance for the organization of the city of Lancaster,” be and the same are hereby ratified, confirmed and rendered valid, in the same degree and to the same extent as they would have been had the constables aforesaid been appointed by the select and common councils of the said city, in common councils assembled, or by the mayor of the said city, under the authority of an ordinance, duly enacted by the select and common councils, vesting in such mayor the appointment aforesaid.

Present con-
stables to
continue un-
til the first
Tuesday of
February,
1824.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the high constable and the four city constables, elected by the freemen of the city of Lancaster, on the first Tuesday in February last, under the authority of the ordinance aforesaid, shall be and continue in-office, until the first Tuesday in February next, and they shall be under the same restrictions and have the same duties to perform as are prescribed by the act of incorporation of the city aforesaid, or by the ordinances duly ordained and enacted, or which may hereafter be duly enacted and ordained by the corporation of the said city.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the select and common councils, when duly assembled, from time,* by any ordinance duly enacted, to authorise the freemen of the city of Lancaster, who are qualified voters, for members of the respective councils, agreeably to the second section of the act entitled "An act to incorporate the city of Lancaster," to elect their constables, in the same manner, with like powers and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may hereafter exist, relative to constables within this commonwealth.

Councils of the city, empowered to authorise the election of constables.

SECT. 4. *And be it further enacted by the authority aforesaid,* That whenever any vacancy occurs in the select or common councils of the said city, by death, resignation, removal or otherwise, the respective councils in which the vacancy shall or may occur, shall have power to fill the same, by appointment, until the next annual election; and so much of the third section of the act, to which this is a further supplement, as is hereby altered or supplied, be and the same is hereby repealed.

Vacancies in the select or common councils, how supplied.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCV.

AN ACT

Allowing compensation to Charles Widney, James Addams and John Harman, for their services, as commissioners, for completing certain public roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Franklin county are hereby authorized and required to draw their order on the treasurer of said county, in favor of Charles Widney, for the amount that may be found due, upon settlement of his account, for services render-

Compensation allowed to Charles Widney.

* Should be "from time to time."

ed as commissioner, allowing him one dollar for each and every day necessarily spent in discharging the duties enjoined on him, by the forty-ninth section of the act entitled "An act for the improvement of the state;" and that so much of the said section as is hereby altered, be and the same is hereby repealed.

Ditto to
James Ad-
dams.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the commissioners of Perry county are hereby authorised and required to draw their order on the treasurer of said county, in favor of James Addams, for the amount that may be found due, upon settlement of his account, for services rendered as commissioner, allowing him one dollar for each and every day, necessarily spent in discharging the duties enjoined on him, by the forty-ninth section of the act entitled "An act for the improvement of the state;" and that so much of the said section as is hereby altered, be and the same is hereby repealed.

Ditto to John
Harman.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of Lycoming are hereby authorised and required to draw their order on the treasurer of said county, in favor of John Harman, for the amount that may be found due, upon settlement of his account, for services rendered as commissioner, agreeably to the forty-third section of the act entitled "An act for the improvement of the state."

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCVI.

AN ACT

To settle and adjust the accounts of Jacob Bishop, late gaoler of Cumberland county.

SECT. 1. *BE it enacted, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Cumberland county, be and they are

hereby authorised and directed to settle and adjust the accounts of Jacob Bishop, late gaoler of Cumberland county, and pay the amount of money due him, on account of the support and expenses incurred for the maintenance of poor insolvent debtors.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCVII.

A further Supplement

To the act entitled “An act to authorise the Governor to incorporate the president, managers and company of the Philadelphia and Great Bend turnpike road.”

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Philadelphia and Great Bend turnpike road company, are hereby authorised to change the route of said road, as they may think most expedient, so as to intersect the Belmont and Easton turnpike, at or near the forty-fifth mile stone, on said road.

Authority to
change the
route.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said company shall hold their annual election, on the third Monday of January, in each and every year.

Annual elec-
tion when to
be held.

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of the act, to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

Repeal.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCVIII.

AN ACT

To authorise John Harrison and George Seltzer, to sell and convey certain real estate therein mentioned.

Authorised
to sell real
estate.

Proviso.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Harrison and George Seltzer, guardians of Eliza Seltzer, Sabina Seltzer, Amos Seltzer, Elijah Seltzer, Levi Seltzer and Joseph Seltzer, minor children of Christian Seltzer, late of Bethel township, in the county of Lebanon, deceased, are hereby authorised and empowered to sell, at public vendue. at such time and on such terms as shall appear to them most likely to subserve the interest of the said minors, all the right, title and interest, of, in and to a certain house and lot of ground, situate in Jonestown, in the county of Lebanon, adjoining a lot of Samuel Sugar, and to make and execute a sufficient deed, or deeds, to the purchaser or purchasers of the same, which shall convey the like interest and have the same force and effect, as though the same had been made and executed by the said minors, at full age: *Provided*, That the said John Harrison and George Seltzer, previous to making sale, in pursuance of this act, shall enter into a bond, with sufficient security, to be approved of by the orphans' court, in the county of Lebanon, for the proper application and investment of the monies arising from the said sale, under the direction of the orphans' court aforesaid.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Janr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER XCIX.

AN ACT

For the relief of Ann Maria Hubley and Rebecca Bower, widows of revolutionary officers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay Ann Maria Hubley, of the county of Dauphin, or order, immediately after the passing of this act, sixty dollars, and an annuity of sixty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and twenty-three.

Annuity and gratuity to Ann Maria Hubley.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Rebecca Bower, or order, of Lebanon county, widow of Jacob Bower, a revolutionary officer, sixty dollars immediately, and an annuity of sixty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three.

Ditto to Rebecca Bower.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER C.

A Further Supplement

To an act entitled "An act to declare and regulate escheats.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the jury of inquest,

Jury of inquest to consist of twelve men.

Their powers.

Proviso.

Copy of award to be filed in the prothonotary's office.

To be a lien on the real estate.

summoned and empannelled as is now prescribed by law, shall consist of twelve good and lawful men, and no more, and when so empannelled, such jury shall be competent to decide whether an escheat has occurred of any goods, chattels, effects, claims, or demands, in the county in which they are organised, (and also in any other county in this commonwealth,) of any decedent, of whose decease notice shall have been given to the executive or auditor general, by any person or persons claiming the portion of the value of such escheated estate, heretofore allowed to the first informant. In cases of escheat, and for the better ascertaining and securing the interest of the commonwealth, such jury shall and may summon before them, any person or persons, claiming or holding any such goods, chattels or effects, or the evidences of such claims or demands of any such decedent: *Provided*, That twenty days written or personal notice, to such person or persons so holding or claiming, shall first be given by the person or persons, informing and prosecuting such escheat, and the said jury shall and may examine the person or persons, so summoned, as to any fact or facts, matter or thing connected with the said escheat, or supposed escheat, on oath or affirmation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That a copy of the award of such jury, if they find an escheat to have occurred, shall be filed by the proper officers, in the office of the prothonotary of the county or counties in which, by their verdict, escheated proper* shall have been found to lie in; and from the date of filing such award, in such county respectively, the same shall be deemed and held, in law, to be a lien on the real estate of each and every person, in whose hands any part or portion of such estate is found to be.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

* Should be "property."

CHAPTER CI.

A Supplement

To the act entitled "An act establishing an Academy in the borough of Lebanon, in the county of Lebanon."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Lebanon Academy, be and they are hereby authorised and empowered to withdraw from their invested funds, the sum of one thousand dollars, and the same to apply towards erecting suitable buildings, for the accommodation of the tutors and pupils of the said academy: *Provided,* That if the said sum of one thousand dollars shall be more than sufficient to erect such buildings, then so much only as shall be necessary therefor, shall be expended by the said trustees, and the balance re-invested in some safe, productive fund, according to the provisions of the act to which this is a supplement.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.,

JOSEPH HIESTER.

CHAPTER CII.

AN ACT

For the relief of Nancy Stackhouse, Margaret Lowry Morrison and Mary Brown, widows of soldiers of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Nancy Stackhouse, of the county of Bucks, Margaret Lowry Morrison, of Cumberland county, and Mary

Brown, of the county of Franklin, each forty dollars immediately, and an annuity of forty dollars respectively, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CIII.

AN ACT

Reducing the number of managers of the turnpike companies between Pittsburg and Meadville, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the several companies, incorporated for making an artificial road from Pittsburg, through Butler and Mercer, to Meadville, shall hereafter elect six managers, in place of twelve, as heretofore authorised, a majority of whom, together with the president, shall be a quorum; and the penalty, or fine, for breaking or defacing mile stones, on any of the sections of said road, shall not be less than five, and not exceeding twenty dollars, to be levied and collected in the manner directed by the acts of incorporation,

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CIV.

AN ACT

To authorise the cleaning and repairing the public arms and military property of this commonwealth, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of three thousand dollars be and the same is hereby appropriated for cleaning and repairing the public arms and military property of this commonwealth, to be drawn, applied, and an account rendered thereof, by the adjutant general, in the manner directed by the seventy-fourth section of the act entitled "An act for the regulation of the militia of this commonwealth:"

Provided, however, That the said adjutant general, before making any contracts for cleaning and repairing the public arms and military property aforesaid, shall give public notice, in two or more newspapers, published in such parts of the state as will be most likely to give information thereof, to all persons disposed to make proposals for any such contracts; and the said adjutant general shall make the contract or contracts with the person or persons offering to do the work at the lowest rate, if properly qualified to perform the same, he taking good and sufficient security for the faithful execution of any such contracts.

\$3,000 appropriated.

To be drawn and accounted for by the adj. gen.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the brigade inspector of the first brigade, fifteenth division, Pennsylvania militia, be and he is hereby authorised and required to remit and refund, to the privates of the eighth company of militia, the fines which were assessed by the court of appeal for the said company of militia, of the twenty-eighth regiment, of the first brigade, fifteenth division, for the year one thousand eight hundred and twenty-two.

Inspector of the 1st brig. 15th div. authorised to remit and refund certain fines.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CV.

AN ACT

To authorise the Governor, to incorporate a company to erect a bridge, over the river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the said river, in the county of Venango; and to revive an act, to authorise the Governor of this commonwealth, to incorporate a company for erecting a bridge, over the river Delaware, near the town of Milford, in the county of Wayne.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George McClelland and Andrew Bowman, of the town of Franklin, John P. Davis and Henry Hurst of the town Meadville, Amos Judson and Thomas King, of the town of Waterford, Thomas S. Cunningham and Samuel Thompson, of the town of Mercer, John Davis and James Stevenson, of the city of Pittsburg, Hardman Philips and Jacob Test, of the town of Philipsburg, William Beatty and Morris Braden, of the town of Butler, and Thomas Burnside and William W. Potter, of the town of Bellefonte, be, and they are hereby appointed commissioners, to do, and perform the several duties hereinafter mentioned, that is to say, they shall and may, on or before, the first day of August next, procure two or more books, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay, to the president, managers and company, for erecting a bridge over the Allegheny river, at the place where the turnpike road crosses the same, in the county of Venango, the sum of twenty-five dollars, for every share of stock in the said company, set opposite to our respective names, in such manner, and in such proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of general assembly, entitled "An act to authorise the Governor, to incorporate a company, to erect a bridge over the Allegheny river, at the place where the Susquehanna and Waterford turnpike crosses the same, in the county of Venango." Witness our hands the day of in the year of our Lord, one thousand eight hundred and " and thereupon proceed to give such notice, as to them may seem sufficient, of the times and places, where the said books shall be opened to receive subscriptions, at which times and places, some one or more of the commissioners, shall attend for that purpose, and keep the said books open, at least six hours, in each of such juridical days, or until seven hundred shares shall be subscribed by persons of lawful age, and if the said number of shares, shall not have been subscribed within that period, then the said commissioners respectively may adjourn, from time to time, and transfer the books, from place to place, until the said number of shares shall be subscribed: *Provided, always, That every person so subscrib-*

Commissioners appointed to receive subscriptions of stock.

Form of subscription.

Notice of the times & places of opening books to be given.

Who may subscribe.

Proviso.

ing, in his or her own name, or in the name of any other person, shall previously pay to the attending commissioner, two dollars for every share so subscribed, out of which, shall be defrayed the expenses of taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organised, agreeably to the provisions of this act, such first payment, on each share, to be taken and considered as a part payment, on each share subscribed.

SECT. 2 *And be it further enacted by the authority aforesaid,* That when twenty or more persons, shall have subscribed three hundred and fifty shares of the said stock, the said commissioners, shall certify under their hands and seals, to the governor of this commonwealth, the names of the subscribers, and the number of shares subscribed; and thereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the said subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed, and in law, by the name, style and title, of "The President, Managers and Company, for erecting a bridge, over the Allegheny river, at the place where the Susquehanna and Waterford turnpike road crosses the same," and by the said name, the said subscribers, shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding, their said capital stock, and the increase and profits thereof, enlarging the same, from time to time, by new subscriptions, in such manner and form, as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, of taking, purchasing, and holding to them and their successors, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing, and being sued, and of doing all, and every other matter or thing, which a corporation, or body politic may lawfully do.

When the Governor shall issue letters patent.

Style of the company.

Powers and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the first five persons named in the letters patent, shall as soon as conveniently may be, after sealing the same, give notice in the newspapers, printed in the counties of Erie, Crawford, Mercer, city of Pittsburg, and Venango, of the time and place, to be by them appointed, not less than thirty days from the time of issuing the first notice, at which time and place, the said subscribers shall proceed to organise the said corporation, and shall choose, by a majority of votes, of the said subscribers, by ballot, either in person, or by proxy, duly authorised, one president, six managers, and one treasurer, and such other officers as they may think necessary, to conduct the business of the said company for one year, and until other officers shall be chosen, and make such bye-laws, rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well

Of the organization of the corporation.

Officers to be chosen.

Bye-laws.

Proviso.

ordering the affairs of the said company: *Provided*, That each subscriber, holding three shares or under, shall be entitled to one vote, and five shares shall entitle the holder to two votes, and that no shares, above five, shall confer any right of voting, at any of the meetings of the said company.

Annual meetings.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the stockholders shall meet on the first Monday in May, in each succeeding year, at the court house, in the town of Franklin, for the purpose of choosing such officers as aforesaid, for the ensuing year.

Certificates of stock to be issued.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers, first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, to each subscriber, for the share or shares subscribed and held by him, by paying to the treasurer, in part of the sum due on each share so held, the sum of fifteen dollars, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject to the payment of the sum due, and to become due, on each share so transferred; and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company, for that purpose kept, shall become a member of the corporation.

\$15 to be paid.

Certificates how transferable.

Of meetings of the president and managers.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the president and managers shall meet at such time and places, and be convened in such manner, as shall be agreed on, for transacting their business, and at such meeting five members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, shall have full power and authority to agree with and appoint such engineers, superintendants, artists and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies, to pay the salaries of persons by them employed, and for the materials provided and labor done, and which shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by the clerk, and to do and transact all other such acts, matters and things, as by the bye-laws; orders and regulations of the said company, shall be committed to them.

Minutes to be kept.

Engineers, &c. to be appointed.

Duties of the president & managers.

Penalty for not paying instalments.

SECT. 7. *And be it further enacted by the authority aforesaid*, That if any stockholder, after thirty days notice, given as aforesaid, of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment, for the space of forty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of five per centum per month for every delay of

such payments; and if the same and the additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid, on account of such shares, as such stockholder may hold, the same shall be forfeited to the said company, and may be sold to any person or persons, and for such price as can be obtained therefor.

When shares shall be forfeited.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company, shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers to the said undertaking, and of all penalties for delay in the payment of stock, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all monies by them expended in the prosecution of the said work; and shall, at least once in every year, submit such accounts to a general meeting of stockholders, until the said bridge be completed, and until all the costs, charges and expenses for effecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if, upon such liquidation, or whenever the stock of the said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own bye-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscribed for such additional shares, in like manner and under the like penalties, as are hereinbefore provided for the original subscription.

Accounts to be kept.

And submitted annually to the stockholders.

When the capital may be increased.

SECT. 9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said president and managers, their superintendants, engineers, artists and workmen, to enter into and upon all the lands and inclosures, near to the place where the said bridge is to be built, for the purpose of opening quarries of stone and of obtaining gravel, sand or other materials, for the building of the said bridge, and enter with teams of any kind, first giving notice to the owners, doing as little damage as possible, and repairing any breach of fences that they may have occasion to make, and first making amends for any damages that may be done, which damage shall be ascertained by the parties, if they can agree; and if not, then by the appraisalment of any two or three disinterested freeholders, one to be chosen by the managers, or by any three of them, one by the owner or party claiming to be aggrieved, and the third to be chosen by the two already so nominated, which freeholders shall be previously qualified, by oath or affirmation, to decide, to the best of their judgment, between the parties; and the said managers, or the persons employed by them, after tender of the appraised value, may proceed to take away any stone, sand gravel or earth,

May enter into lands to procure materials.

Making amends for damages.

Proceedings where parties disagree.

that may be most conveniently situated for their purpose, for erecting or of repairing the said bridge.

When bridge shall vest in the company.

Rates of toll.

SECT. 10. *And be it further enacted by the authority aforesaid,* That when a good and complete bridge, with substantial stone abutments and piers, is erected over the aforesaid river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the same, in the county of Venango, as aforesaid, the property of the said bridge, shall be vested in the said company as aforesaid, and their successors; and the said company, their successors, may demand and receive toll from travellers and others, agreeably to the following rates, to wit: For every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels, and drawn by six horses, one dollar, for every such carriage, and drawn by five horses, eighty-seven and a half cents, every such carriage with four wheels, and drawn by four horses, seventy-five cents, for every such carriage, and drawn by three horses, sixty-two and a half cents, and for every such carriage, having four wheels and drawn by two horses, fifty cents, for every carriage, of whatever description, used for personal accommodation or pleasure, having four wheels, and drawn by four horses, seventy-five cents, for every such carriage, drawn by two horses, fifty cents, for every such carriage, drawn by one horse, thirty-one and a fourth cents, for every carriage used for the purpose of trade or agriculture, having two wheels, and drawn by two horses, twenty-five cents, for every chaise, riding chair, or sulky, for each horse used therein, twenty-five cents, for every sled, used for the purpose of trade or agriculture, drawn by two horses, twenty cents, and for every additional horse, drawing the same, six and a fourth cents, for every pleasure sleigh, drawn by two horses, twenty-five cents, and for the same, drawn by one horse, eighteen and three fourths cents, for every horse and rider, twelve and a half cents, for every led horse or mule, eight cents, for every foot passenger, two cents, for every head of horned cattle, three cents, for every head of sheep or swine, one and one-half cent; and in fixing the toll of all carriages, to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen, shall be estimated equal to one horse: *Provided,* That any person or persons, attending funerals, any detachment of the militia of this state, or militia attending their duty on days of training, persons attending elections, all persons going to and returning from divine service, and students or children, attending any school or seminary of learning, shall at all times, be exempted from paying said tolls, and that the said bridge, shall in no wise, injure, stop, or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording the same.

Proviso:

Penalty for exacting illegal tolls.

SECT. 11. *And be it further enacted by the authority of the same,* That if the said company or their successors, shall collect or demand, any greater rates or prices, for passing over the said bridge, than as is herein before prescribed and specified, for every such offence, forfeit and pay the sum of fifteen dollars, one moiety thereof, to be paid into the state treasury of this

commonwealth, and the other moiety, for the use of the person who may sue for the same, to be recovered before any justice of the peace, as debts of like amount are recoverable: *Provided*, That no suit or action shall be brought, unless within thirty days after such offence shall have been committed. *Proviso.*

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company, shall keep a just account of all monies received by their several collectors of tolls, for crossing the said bridge, and shall declare and make a dividend, of the income and profits thereof, among all the subscribers of the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of said income, as may be decreed, for a fund necessary to provide against the decay, the repairing, or the re-building of the said bridge; and shall on every first Monday in May, of every year, publish the dividend, to be made of the clear profits arising from the tolls, among the stockholders, and of the time when, and place where, the same shall be paid, and shall cause the same to be made accordingly. *Accounts of toll to be kept. Dividends to be declared. And notice thereof to be given.*

SECT. 13. *And be it further enacted by the authority aforesaid*, That if the company, authorised by this act to be incorporated, shall, at any time, institute a bank or issue any note or notes, in the nature of bank notes, or carry on any business in the nature of banking, or if the president, any manager or any other person connected with the said company, shall use or invest any part of the capital stock of said company in any incorporated bank, then, or in either of these cases, all the powers and privileges granted by this act shall cease and be determined. *Not to exercise banking powers.*

SECT. 14. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully pull, draw, break or destroy, with an intent to injure any part or parts of the said bridge, or any toll house, gates or bars, or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or the person employed in the conducting the business thereof, or shall wilfully deface or destroy the letters or figures or other character, in any written or printed list of the rates of tolls affixed, in any place or places, for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part thereof, he, she or they, so offending, shall each of them forfeit and pay, for every such offence, to the said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of like amount are recoverable; and he, she or they shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Penalty for injuring works. And defacing letters, &c.* *Provided*, always, That no suit shall be brought, unless within thirty days after such offence shall have been committed, *Proviso.*

that may be most conveniently situated for their purpose, for erecting or of repairing the said bridge.

When bridge shall vest in the company.

Rates of toll.

Proviso:

Penalty for exacting illegal tolls.

SECT. 10. *And be it further enacted by the authority aforesaid,* That when a good and complete bridge, with substantial stone abutments and piers, is erected over the aforesaid river Allegheny, at the place where the Susquehanna and Waterford turnpike road crosses the same, in the county of Venango, as aforesaid, the property of the said bridge, shall be vested in the said company as aforesaid, and their successors; and the said company, their successors, may demand and receive toll from travellers and others, agreeably to the following rates, to wit: For every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels, and drawn by six horses, one dollar, for every such carriage, and drawn by five horses, eighty-seven and a half cents, every such carriage with four wheels, and drawn by four horses, seventy-five cents, for every such carriage, and drawn by three horses, sixty-two and a half cents, and for every such carriage, having four wheels and drawn by two horses, fifty cents, for every carriage, of whatever description, used for personal accommodation or pleasure, having four wheels, and drawn by four horses, seventy-five cents, for every such carriage, drawn by two horses, fifty cents, for every such carriage, drawn by one horse, thirty-one and a fourth cents, for every carriage used for the purpose of trade or agriculture, having two wheels, and drawn by two horses, twenty-five cents, for every chaise, riding chair, or sulky, for each horse used therein, twenty-five cents, for every sled, used for the purpose of trade or agriculture, drawn by two horses, twenty cents, and for every additional horse, drawing the same, six and a fourth cents, for every pleasure sleigh, drawn by two horses, twenty-five cents, and for the same, drawn by one horse, eighteen and three fourths cents, for every horse and rider, twelve and a half cents, for every led horse or mule, eight cents, for every foot passenger, two cents, for every head of horned cattle, three cents, for every head of sheep or swine, one and one-half cent; and in fixing the toll of all carriages, to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen, shall be estimated equal to one horse: *Provided,* That any person or persons, attending funerals, any detachment of the militia of this state, or militia attending their duty on days of training, persons attending elections, all persons going to and returning from divine service, and students or children, attending any school or seminary of learning, shall at all times, be exempted from paying said tolls, and that the said bridge, shall in no wise, injure, stop, or interrupt the navigation of the said river, or prevent boats from crossing, or persons from fording the same.

SECT. 11. *And be it further enacted by the authority of the same,* That if the said company or their successors, shall collect or demand, any greater rates or prices, for passing over the said bridge, than as is herein before prescribed and specified, for every such offence, forfeit and pay the sum of fifteen dollars, one moiety thereof, to be paid into the state treasury of this

commonwealth, and the other moiety, for the use of the person who may sue for the same, to be recovered before any justice of the peace, as debts of like amount are recoverable: *Provided*, That no suit or action shall be brought, unless within thirty days after such offence shall have been committed. *Proviso.*

SECT. 12. *And be it further enacted by the authority aforesaid*, That the president, managers and company, shall keep a just account of all monies received by their several collectors of tolls, for crossing the said bridge, and shall declare and make a dividend, of the income and profits thereof, among all the subscribers of the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of said income, as may be decreed, for a fund necessary to provide against the decay, the repairing, or the re-building of the said bridge; and shall on every first Monday in May, of every year, publish the dividend, to be made of the clear profits arising from the tolls, among the stockholders, and of the time when, and place where, the same shall be paid, and shall cause the same to be made accordingly. *Accounts of toll to be kept. Dividends to be declared. And notice thereof to be given.*

SECT. 13. *And be it further enacted by the authority aforesaid*, That if the company, authorised by this act to be incorporated, shall, at any time, institute a bank or issue any note or notes, in the nature of bank notes, or carry on any business in the nature of banking, or if the president, any manager or any other person connected with the said company, shall use or invest any part of the capital stock of said company in any incorporated bank, then, or in either of these cases, all the powers and privileges granted by this act shall cease and be determined. *Not to exercise banking powers.*

SECT. 14. *And be it further enacted by the authority aforesaid*, That if any person or persons shall wilfully pull, draw, break or destroy, with an intent to injure any part or parts of the said bridge, or any toll house, gates or bars, or other property of the said corporation, appurtenant to or erected for the use and convenience of said bridge, or the person employed in the conducting the business thereof, or shall wilfully deface or destroy the letters or figures or other character, in any written or printed list of the rates of tolls affixed, in any place or places, for the information of passengers and others, or who shall wilfully and maliciously obstruct or impede the passage on or over the said bridge, or any part thereof, he, she or they, so offending, shall each of them forfeit and pay, for every such offence, to the said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of like amount are recoverable; and he, she or they shall remain liable to actions, at the suit of the said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided, always*, That no suit shall be brought, unless within thirty days after such offence shall have been committed. *Penalty for injuring works. And defacing letters, &c. Proviso.*

Abstract of accounts to be laid before legislature.

In what case tolls may be increased.

When to be reduced.

Act authorising the erection of a bridge at Milford, revived.

Commissioners appointed

When to go into operation.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, at the end of two years next, after the bridge aforesaid shall be completed, lay before the general assembly of this commonwealth, an abstract of their accounts, shewing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the toll, for and during the said period, together with an exact account of costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end, that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said bridge shall be completed, it shall appear, from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company, so expended, then it shall and may be lawful for the said president, managers and company, to increase the tolls herein allowed so much as will raise the dividends to six per centum per annum; and at the end of every five years, after the said bridge shall be completed, they shall render, to the general assembly, a like abstract of their accounts for three preceding years, and if, at the end of any such period of five years, it shall appear, from such abstract, that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the tolls shall be so reduced as will reduce the said dividend to fifteen per centum per annum.

SECT. 16. *And be it further enacted by the authority aforesaid.* That the act entitled "An act to authorise the Governor of this Commonwealth to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne," passed the twelfth day of March, one thousand eight hundred and four, be and the same is hereby revived, re-enacted and continued in full force, the same as if it were passed, section by section, excepting such alterations as shall be hereinafter made.

SECT. 17. *And be it further enacted by the authority aforesaid,* That George Biddis, John Brink and James Wallace, of the county of Pike, and commonwealth of Pennsylvania, and James Stoll, John Gustin and George Neldon, of the county of Sussex, in the state of New Jersey, and William Smith, of the city of New York, are hereby appointed commissioners to do and perform the several duties in the said act mentioned, in the places of those who were appointed by the first section of said act.

SECT. 18. *And be it further enacted by the authority aforesaid,* That so much of this act as relates to the company erecting a bridge over the Delaware river, near the town of Milford, shall

not go into effect or operation, until the legislature of the state of New Jersey shall pass a similar law.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CVI.

AN ACT

For the relief of Catharine Cadwallader, widow of John Cadwallader, deceased.

WHEREAS, John Cadwallader, late of Huntingdon county, deceased, was indebted to the commonwealth in the sum of four hundred dollars, with interest until paid, to secure the payment of which there was given to the commissioners of said county, for the use of the commonwealth, two mortgages on a house and eight lots of ground, in the town of Huntingdon, which is about to become due and payable, and it is represented to the legislature, that if payment be now enforced, by a sale of the mortgaged premises, his widow and children would be thereby overwhelmed in ruin and distress. AND WHEREAS, the said John Cadwallader has since conveyed one of the said lots of ground, being lot number two hundred and five in the general plan of said town, to Michael Africa, an innocent purchaser, and the remaining seven lots of ground being amply sufficient for the securing the payment of the said sum of money and interest,

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all proceedings to enforce the payment of the debt due the commonwealth, on mortgage, by John Cadwallader, late of Huntingdon county, deceased, be and they are hereby suspended for

seven years, from and after the passing of this act; and that lot numbered two hundred and five in the general plan of the town of Huntingdon, be and the same is hereby forever released from the payment of any part of the said debt and interest.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CVII.

AN ACT

Supplementary to an act entitled "An act for the improvement of the state."

WHEREAS, by the seventy-seventh section of the act to which this is supplementary, in case the president and managers of any turnpike or bridge company in this state, and any contractor or contractors by them employed, who had done work, labor and services before the passage of the said act, should differ in the settlement of their accounts, the said president and managers were directed to certify the sum in dispute, which sum, so certified in dispute, was to remain in the treasury until the said disputes were settled and adjusted, and the sum, clear of dispute, to be paid to the said contractor or contractors. AND WHEREAS, it has so happened, that in the settlement of the accounts between the president and managers of the Huntingdon, Cambria and Indiana turnpike road company, and their contractors, of the aforesaid description, that sundry accounts were certified in dispute, and the contractors have come forward and drawn from the treasury the several sums clear of dispute, leaving the disputed balances in the treasury, and without having brought any suits against the said company, by which such disputes could be settled by a legal adjudication. AND WHEREAS, most of the said contractors have left the country, and had they

remained, the said company could not bring suits against them for the settlement of said disputes, they having received no more than was conceded to be due, and the other creditors of the said company are thereby deprived of the use of said disputed balances, without any legal remedy for the recovery of the same,

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That immediately after the passage of this act, the president and managers of the Huntingdon, Cambria and Indiana turnpike road company, shall publish a notice in one newspaper, in the borough of Harrisburg, one in the borough of Huntingdon, and one in the city of Pittsburg, calling on all persons who had claims against the said company, and which had been certified in dispute, to the state treasurer, under the provisions of the seventy-seventh section of the act for the improvement of the state, passed the twenty-sixth of March, one thousand eight hundred and twenty-one, to come forward and settle or prosecute their claims against the said company.

The Huntingdon, Cambria and Indiana turnpike road company, to give public notice to certain contractors to settle, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case the said contractors shall neglect or refuse to come forward and settle their accounts with the said company, for the said disputed balances, or bring suit for the recovery of the same, on or before the first day of October next, and on the same being certified by the said president and managers, to the state treasurer, he is hereby authorised and required to pay into the hands of the said company, or their agent, duly authorised to receive the same, the whole amount of the said disputed balances: *Provided,* That nothing in this act contained, shall prevent any person, who now has a just claim against the said company, under any such certified balances, from recovering the amount due him from the said company, by due course of law.

Proceedings if contractors do not settle their accounts, &c.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the managers of the Lewistown and Huntingdon turnpike road company, before they shall draw any part of the amount of the state's subscription, to furnish to the state treasurer, in addition to the statements and certificates already required by law, a certificate, signed by the managers appointed on behalf of the state, or a majority of them, that the said statements and certificates already required by law, have been by them examined and approved, on the production of which certificate, and not otherwise, the state treasurer is hereby required to pay the amount of the state's sub-

State treasurer not to make payment to the Lewistown and Huntingdon turnpike company, until statements, &c. are approved by state managers.

scription, to contractors and others, in such manner and proportions as is already provided by law.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER CVIII.

AN ACT

For the relief of Rachael M'Coy, widow of Neal M'Coy, an old soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby required to pay to Rachael M'Coy, widow and relict of Neal M'Coy, of Northumberland county, or her order, the sum of two hundred dollars, in full for services rendered by her said husband during the revolutionary war.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CIX.

A Supplement

to the act entitled "An act to improve the navigation of the river Monongahela."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in lieu of the security, contemplated to be given in the second section, of the act of the second of April, one thousand eight hundred and twenty two, to which this is a supplement; the commissioners in the said act named, or authorised to be appointed, shall each, respectively give bonds, with sufficient sureties, to the governor, for the faithful application, of so much of the sum appropriated by the said act, as shall at any time, come into his hands in pursuance thereof.

Commissioners to give bonds to the Governor.

SECT. 2 *And be it further enacted by the authority aforesaid,* That the Governor shall draw his warrant in favor of the commissioners, on or before the first day of July next, (the bonds being previously given,) instead of the first day of September last, as mentioned in the act to which this is a supplement.

When warrant is to be drawn.

SECT. 3. *And be it further enacted by the authority aforesaid,* That a majority of the viewers, appointed in the second section of the act to which this is a supplement, or a majority of the viewers, appointed in pursuance of the said act, for the time being, shall be competent to decide, and make report to the Governor, agreeably to the provisions of the said act.

Majority of viewers may report, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said commissioners and viewers, shall each, be allowed two dollars, out of the sum already appropriated, for each and every day, he shall have been necessarily employed in performing the duties enjoined on him by this act, or the act to which this is a supplement, on the settlement of their accounts by the accounting department.

Compensation to commissioners & viewers,

SECT. 5. *And be it further enacted by the authority aforesaid,* That the treasurer of Fayette county, is hereby directed to deposit, subject to the order of the Governor, in the Monongahela bank of Brownsville, on or before the first day of May next, all the unexpended balance, that may have come into the treasury of the said county, in pursuance of the provisions of the fifth section of the act to which this is a supplement; and it shall be the duty of the said treasurer, immediately thereafter, to transmit by mail, to the Auditor General, the proper evidence of such deposit.

Duty of treasurer of Fayette county.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all persons, being the owner or owners, of any dam and lock appurtenant thereto, in the Monongahela river, which were built or begun to be built, in pursuance of the provisions of an act entitled "An act to authorise the Governor, to incorporate a

Proceedings where dams and locks have already been built.

company, to make a lock navigation on the river Monongahela," passed the twenty fourth day of March, one thousand eight hundred and seventeen, and during the time the said act was in force, may at any time after the passage of this act, set forth the case by petition to the Governor, who is hereby authorised and required, to appoint three suitable commissioners, who after being first sworn or affirmed, shall proceed to view the said dam and lock; and if they or a majority of them, shall be of opinion that the said dam and lock, are constructed agreeably to the provisions of the above recited act, they shall so report to the Governor; who shall then grant a license to such owner or owners, to take such toll as was authorised to be taken in the act aforesaid, the said owner or owners, being always subject to the penalties and restrictions specified in that act.

Repealing
section.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered and supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CX.

AN ACT

For the relief of Rebecca M'Fadden, widow of William M'Fadden, a Revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Rebecca M'Fadden, of Meadville, in Crawford county, widow of William M'Fadden, or order, forty dollars immediately, and an annuity of forty dollars payable half yearly

during life, to commence on the first day of January, one thousand eight hundred and twenty three.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives,

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER,

CHAPTER CXI.

AN ACT

Authorising a review of part of the state road, from Carlisle, through Roxbury, to the Burnt Cabins, and a part of the state road, from Berksburg to Reading.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Filson, of Metal township, Andrew Barkley, of Fannet township, and John Shoemaker, innkeeper, of Roxbury, in Franklin county, be and they are hereby authorised and required, on or before the first day of July next, to review that part of the state road which lies between the foot of the mountain, about one hundred rods east of Mary Temmon's house, in Fannet township, Franklin county, and the foot of the Tuscarora mountain, in Metal township, in the county of Franklin aforesaid; and if they, or any two of them, shall be of opinion that better ground can be selected, without materially increasing the distance, and so as to lessen the expense of opening and keeping the said road in repair, they, or a majority of them, shall proceed to survey and lay out the same, and shall cause a draft, with the courses and distances marked thereon, to be deposited in the office of the clerk of the court of quarter sessions, of the county of Franklin, which shall be a record of said road; and from thence forward shall, to all intents and purposes, be a public road, and shall be opened and kept in repair, as is required by the original act by which the said road was laid out, and any part of said road which may be altered, be and the same is hereby vacated.

Commissioners appointed to review part of the road from Carlisle to the Burnt Cabins.

Draft to be made.

Commissioners to be under oath.

Compensation.

Supervisors not to open the road until, &c.

Quarter sessions of Berks county authorised to grant a review of part of the road from Berrysburg to Reading.

SECT. 2. And be it further enacted by the authority aforesaid, That each of the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties required of them by this act, and they shall each receive one dollar for each day they may be necessarily employed in said work, together with a reasonable allowance for chain carriers and markers; and the accounts of the said commissioners shall be adjusted and settled by the county commissioners of Franklin county, and paid by warrants drawn on the treasurer by said commissioners.

SECT. 3. And be it further enacted by the authority aforesaid, That the supervisors of Fannet and Metal townships aforesaid, shall not proceed to open or repair the said state road, through said townships, until the said viewers have performed the duties required of them by this act.

SECT. 4. And be it further enacted by the authority aforesaid, That the court of quarter sessions of the county of Berks, be and they are hereby authorised, upon application by petition to them made, to grant a review of so much of the state road from Berrysburg, in the county of Dauphin, to the borough of Reading, in the county of Berks, as is laid out from the house of John Belleman, in Tulpehocken township, through the lands of Jacob Miller, deceased, to the house of Daniel Hess, in Bethel township, in the said county of Berks, and lay out the same on other ground, if they think the interest of the community will thereby be promoted, and at the same time to inquire of and vacate so much, or any part of the said road, as is laid out between the house of John Belleman and Daniel Hess aforesaid, in the said county of Berks, and which they shall judge to be useless and inconvenient and burdensome, and the said court shall proceed therein, by view and review thereof, in the same manner as they are authorised to do and is usually practised in laying out public roads and highways.

JOSEPH LAWRENCE, Speaker
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXII.

AN ACT

Suspending the opening of part of the state road leading from the borough of Bedford, through the borough of Indiana, to the town of Franklin, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the opening of all that part of the state road, laid out from the borough of Bedford, through the borough of Indiana, to the town of Franklin, which passes through the farm of William Smith, in the township and county of Bedford, be and the same is hereby suspended until the first day of August next; and in case the said William Smith shall, previous to the first day of August next, open or cause to be opened, at his own expense, all that part of the old road, leading from Bedford to Frankstown, which passes through or adjoining his farm, of a width sufficient for waggon to pass and repass thereon, and not to exceed an elevation of five degrees from an horizontal line, then all that part of the state road hereinbefore described, shall be and the same is hereby vacated; and that part of the old road, leading from Bedford to Frankstown, opened as aforesaid, shall be and the same is hereby declared to be a part of the state road aforesaid, to be kept in repair in the same manner as directed by the act to which this is a supplement: *Provided*, That as soon as convenient, after the completion of the old road, in manner aforesaid, the supervisors of the township of Bedford shall pay to the said William Smith, the sum of thirty dollars, out of the road taxes of said township, which shall be the full amount said township shall be liable to pay for opening said road: *And provided*, That if the said old road shall not be opened in the manner and within the time hereinbefore directed, then it shall be the duty of the supervisors of said township, forthwith to open the state road through the said farm, upon the ground where the same was located by the viewers, any thing hereinbefore contained to the contrary notwithstanding.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-three.

JOSEPH HLESTER.

CHAPTER CXIII.

AN ACT

For the relief of William Willink, Hendrick Vollenhoven and Rutger Jan Schimmelpenninck.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Willink, Hendrick Vollenhoven and Rutger Jan Schimmelpenninck, of the kingdom of Holland, who survived Nicholas Van Staphorst, Christian Van Eeghen and Peter Stadnitake, and the survivor of them, be and they hereby are authorised and empowered to grant and convey all their lands in this commonwealth, and all and every right, title and interest they have, or are entitled to have, in, to or out of any lands in this commonwealth, to any person or persons whatsoever, though such person or persons should be aliens, either absolutely or in trust, upon such terms and conditions as to them, or the survivor of them, may seem fit. And all and every such person or persons, though an alien or aliens, shall be able and capable to take, hold and convey all such lands, and interest in lands, in this commonwealth, which shall be so as aforesaid granted and conveyed, upon the terms and conditions of such grant or conveyance, any law of this commonwealth to the contrary notwithstanding.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXIV.

AN ACT

Authorising the State Treasurer to pay to Joseph Barnett, a contractor on the Berks and Dauphin turnpike road company, a certain sum of money.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay unto Joseph Barnett, of the county of Lebanon, a contractor on the Berks and Dauphin turnpike road company, the sum of one thousand five hundred dollars, to be paid out of the appropriation made to the said company, by the fifth section of the act entitled "An act making appropriations for certain internal improvements," passed the twenty-fourth day of March, one thousand eight hundred and seventeen.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXV.

AN ACT

To authorise the Governors to incorporate the president, managers, and company, of the Ararat turnpike road.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Mumford, Jirah Mumford, junior, Samuel Rogers,

Commissioners appointed to receive subscriptions of stock.	junior, John Wrighter, Squire Sampson, Thomas Meredith, Rufus Grinell, and Luther Stark, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, They shall, on or before the first day of July next, procure one or more books and enter in them as follows: "We whose names are hereunto subscribed do promise to pay unto the president, managers, and company, of the Ararat turnpike road, the sum of fifty dollars for every share of said stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth entitled "An act to authorise the Governor to incorporate the president, managers, and company, of the Ararat turnpike road," as witness our hands, the day of in the year of our Lord one thousand eight hundred and ,"
Form of subscription.	thereupon, give notice in one newspaper printed in the county of Wayne, or Susquehanna, for one calendar month at least, of the time and place where the said books shall be opened to receive subscriptions for the stock of said company, at which respective time and place, some one of the said commissioners shall attend and permit and suffer all persons of lawful age, who shall offer, to subscribe in the said book or books, in their own name, or the name of any other person, who shall authorise the same, for any number of shares in the said stock, and the said books shall be kept open respectively, for the purposes aforesaid, at least six hours in every juridical day, for the space of three days, or until the said book or books, so opened, shall have two hundred and sixty shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners respectively, may adjourn from time to time, and transfer the said book or books from place to place, until the whole number of shares subscribed in the said book or books, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed, the said book or books shall then be closed.
Notice to be given.	
Who may subscribe.	
Whole number of shares.	
May transfer books.	
When letters patent may issue.	SECT. 2. <i>And be it further enacted by the authority aforesaid,</i> That when ten or more persons shall have subscribed fifty or more shares of the said stock, the commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by each; to the Governor, whereupon, it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, by the name, style, and title, of "The President, Managers, and Company, of the Ararat turnpike road company," and by the said name the subscribers shall have perpetual suc-
Style.	

cession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargements shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and doing all and every other matter and thing, which a corporation or body politic may lawfully do.

Powers and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give notice, in one of the newspapers aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, duly authorised, one president, eight managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company, for one year, and until such other officers shall be chosen; and the said managers, and their successors so chosen annually, on the second Monday of January, in each year, shall and may make such bye-laws, rules, orders and regulations, not inconsistent with the constitution of the United States, or the laws and constitution of this state, as shall be necessary for the well ordering the affairs of the said company; and generally have like powers, authority and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Coshecton and Great Bend turnpike road; and whenever any five contiguous miles of said road are finished, the Governor shall license the same. And the said Ararat turnpike road shall commence at or near Sugar Loaf mountain, in Susquehanna county, on the Belmont and Ochquaga turnpike, and thence by the nearest and best route to or near Hale's eddy, on the Delaware river: *Provided*, That if the said company shall not proceed to carry on the said work in five years after the passing of this act, or shall not within ten years afterwards complete the said road, according to the true intent and meaning of this act, then, in either of these cases, it shall and may be lawful for the legislature of this commonwealth to re-

Mode of organising the corporation.

Officers to be chosen.

Bye-laws.

To have like powers, &c. as are given to the Coshecton and Great Bend turnpike company.

License when to be granted Route of the road.

Proviso:

same all and singular the rights, privileges, liberties and franchises by this act granted to the said company.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXVI.

A Supplement

To an act entitled "An act to incorporate that part of the township of the Northern Liberties lying between the middle of Sixth street and the river Delaware, and between Vine street and Cohocksink creek, passed the sixteenth day of March, one thousand eight hundred and nineteen," and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in addition to the remedies for the collection of taxes, for pitching and paving any street, road, lane or alley, and for filling up, curbing and paving the foot ways, within the incorporated district of the Northern Liberties, in conformity with the provisions of the act to which this is a supplement, the commissioners of the said district may institute actions for the recovery of the same, before any tribunal within the state, having jurisdiction of the amount claimed against the owner or owners of the property, or their legal representatives, in front of which such pitching and paving, as aforesaid, has been or shall hereafter be done.

Commissioners may bring suit for the recovery of taxes for pitching and paving, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That there shall be two additional judges hereafter appointed by the inspectors, for holding the general or other elections within the said district.

Of judges of general elections.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXVH.

AN ACT

To cede to and vest in the United States of America, certain premises in the county of Philadelphia, whereon an arsenal is erected.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right, title, property and interest of this commonwealth, in and to a certain tract or parcel of land, situate in Oxford township, in the county of Philadelphia, beginning at a stone marked U. S. set for a corner, in the middle of Tacony road; thence along the middle of said road north eighty-two degrees fifteen minutes east forty-one perches, to another stone marked U. S. set for a corner, therein along the middle of a forty feet wide street, laid out by mutual consent of the grantors and grantees, called Bomford street, south twenty-three degrees east sixty-nine perches, to low water mark of Frankford or Tacony creek; thence up the said creek the several courses thereof fifty-one perches and four-tenths of a perch, to land conveyed to Joseph Kirkbride; thence by the same north sixteen degrees west four perches, to a stake; thence south seventy-four degrees west one perch, to the middle of a road leading from the Bustleton road to the ferry; thence along the middle of said road north sixteen degrees west twenty-seven perches and seven-tenths of a perch, to a stone marked U. S. and north eleven degrees fifteen minutes west forty-three perches and seventy-two hundredth parts of a perch, to the place of beginning, containing twenty acres and thirty-four perches, being the same premises which Frederick Fraley, of the city of Philadelphia, baker, and afterwards farmer, of the said Oxford township, and Catharine his wife, granted, bargained and sold, aliened, enfeoffed, released and confirmed to the United States of America, by indenture, dated the twenty-seventh day of May, Anno Domini, one thousand eight hundred and sixteen, duly executed, acknowledged and recorded, in the said county of Philadelphia, together with all the buildings, improvements, houses, forts, arsenals, stores, wharves and other additions since made to the said premises, shall be and are hereby ceded to and vested in the United States of America, as fully, absolutely and to the same extent as this commonwealth now holds and is entitled to the same: *Provided, always, nevertheless,* That this commonwealth may re-occupy and re-possess the same, as they have occupied and possessed the same heretofore, whenever the United States of America shall cease to occupy the same for military purposes, as a fort, magazine, arsenal, or with other needful buildings for the same: *And provided,* That the jurisdiction of the state of Pennsylv-

Certain premises in the county of Philadelphia vested in the U. States.

Proviso,

2d Proviso.

also over the said premises, in civil and criminal cases, be the same as before the passing of this act.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXVIII.

AN ACT

To authorise an extension of the Susquehanna and Tioga turnpike road.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the president, managers and company of the Susquehanna and Tioga turnpike road, be and they are hereby authorised and empowered to increase the number of the shares of the stock of the said company, and within ten years hereafter, to extend and complete the said turnpike, by the nearest and best route, from the bridge over the Susquehanna river, at the village of Nescopeck, in the county of Luzerne, to the Centre Turnpike, in the county of Schuylkill, under the same provisions and regulations as are contained in the original charter of the said company, and with like powers, privileges and authorities, as to the construction and maintaining of the same, and collecting of tolls thereupon; and also subject to all the duties, qualifications, restrictions, fines and forfeitures, which are mentioned in the said charter.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXIX.

A Supplement

To the act entitled, "An act to incorporate the trustees of the Newtown Common, in the county of Bucks."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the qualified electors, of the township of Newtown, in the county of Bucks, on the third Monday in May next, at the place at which they elect constables and supervisors of the highways, under the same rules and regulations by which such elections are governed, and annually thereafter at the same time and place at which they elect constables and supervisors of the highways to elect six reputable citizens, three of whom shall reside in the townstead and the remaining three in the township, whose duty it shall be to do the several things authorized and enjoined by the second section of this act.

Six citizens to be elected annually to compel trustees to settle their accounts.

SECT. 2. *And be it further enacted by the authority aforesaid,* That, on application at any time by the persons elected as aforesaid to the court of common pleas of the county of Bucks for that purpose, it shall be the duty of the said court to issue a citation in the name of the persons so elected, directed to "The trustees of the Newtown Common," requiring them to be and appear at a time to be appointed by the court and settle their account, exhibiting a statement of the amount and nature of the estate held by them under the provisions of the act to which this is a supplement, which account shall be verified by the oath or affirmation of one of the trustees, or of the treasurer of the said corporation, and the person so making oath or affirmation, shall be compelled to answer upon oath or affirmation all interrogatories which shall be exhibited to him in open court, on the examination of the said account: And the court shall have power to decree such distribution of the rents, issues and profits, of the estate vested in the said trustees of the Newtown Common, under the provisions of the act to which this is a supplement, as may appear to the said court conformable to the true intent and meaning of the said act.

Citation to be issued by the court to the trustees, &c.

Accounts to be verified by oath.

Power of the court.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said court shall have power by attachment to compel a compliance with such orders and decrees as they may make under the provisions of this act.

Orders of court may be enforced by attachment.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXX.

A Further Supplement

To an act entitled "An act to provide for the erection of an additional court within the city and county of Lancaster."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all process, issued from the district court of the city and county of Lancaster, mesne or judicial, and returnable on the first Monday in June next, shall be valid and effectual, and shall not be put, without day, by reason of the alteration of the return day of the said June term, by the act entitled "A supplement to an act entitled An act to provide for the erection of an additional court within the city and county of Lancaster," passed the tenth day of March, one thousand eight hundred and twenty-three, and all such process shall have the same force and effect, to all intents and purposes, as if the return day of the said term had not been changed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.,
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXI.

AN ACT

To authorise the executors of the last will of Robert Lemmon, deceased, to sell certain real estate of the testator.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Duncan and Margaret Lemmon, executors of the

last will of Robert Lemmon, late of Pawn township, in the county of York, deceased, be authorised to sell and convey so much and such parts of the real estate, which was of the said Robert Lemmon, at his death, as the orphans' court of the said county shall order and direct, for the purpose of paying the debts of the said deceased, the said executors giving security for the monies arising from the sale, in such manner as the said court shall direct.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXII.

AN ACT

Authorising the erection of Slopes in the Loyalhanna and Yellow-breeches creeks.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

That from and after the passage of this act, it shall and may be lawful for any persons, not less than twenty in number, who shall associate themselves for the purpose, to enter into the Loyalhanna creek, or on any lands through which the same flows in the county of Westmoreland, from the north line of Donegal township to the confluence of the said creek and the Conemaugh river, and erect and keep in repair, for the passage of fish, one complete slope at each and every dam now erected, or which may hereafter be erected in said creek, within the points above named, which slopes shall not be less than eight feet nor more than sixteen feet width, and of a grade forming an angle whose perpendicular shall not exceed three feet for every twelve feet of base, and proportionably for a greater or

Slopes at dams authorised to be erected in the Loyalhanna for the passage of fish.

Dimensions of slopes.

- Proviso.** less base: *Provided*. That no person or persons shall be allowed to enter into any meadow or field with any carriage or team for the purpose of hauling materials for such slope or slopes, at any time between the first day of April and the first day of August in any year, nor do any damage to any private property other than what may be necessary in effecting a passage to such dam or dams, and shall in all cases restore any fence or fences which it may be found necessary to open in the prosecution of the work or works for the erection of such slope or slopes: *And*
- 2d Proviso.** *provided further*. That any twenty or more persons, who are hereby authorised to erect slopes as aforesaid, shall, before they commence a slope over any dam or dams on said creek, give the owner of such dam, or his or her agent, an instrument in writing under their hands, binding themselves to make compensation for any damage which may be done to said dam or dams, or to any premises in, over, or upon, which they may enter in erecting such slope or slopes.

- One slope for the passage of fish at each dam in the Yellow-breeches authorised to be erected.**
- Proviso.** **SECT. 2.** *And be it further enacted by the authority aforesaid*. That from and after the passage of this act, it shall and may be lawful for any person or persons to enter into the Yellow-breeches creek, or on any lands through which the same flows, in the counties of York or Cumberland, from the source of said creek to the confluence of the same and the Susquehanna river, and erect and keep in repair, for the passage of fish, one complete slope at each and every dam now erected, or which may hereafter be erected, in said creek within the points above named, which slopes shall not be less than eight feet nor more than sixteen feet width, and of a grade forming an angle whose perpendicular shall not exceed three feet for every twelve feet of base, and proportionably for a greater or less base: *Provided*, That no person or persons shall be allowed to enter into any meadow or field with any carriage or team, for the purpose of hauling materials for such slope or slopes, at any time between the first of April and the first day of August in any year, nor do any damage to any private property other than what may be necessary in effecting a passage to such dam or dams, and shall in all cases restore any fence or fences which it may be found necessary to open in the prosecution of the work or works for the erection of such slope or slopes: *And provided further*, That
- 2d Proviso.** any person or persons, who are authorised to erect slopes as aforesaid, shall before they commence a slope over any dam or dams on said Yellowbreeches creek, give the owner of such dam, or his or her agent, an instrument in writing under their hands, binding themselves to make compensation for any damage which may be done to said dam or dams, or to any premises in, over, or upon, which they may enter, in erecting such slope or slopes.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if any person or persons shall, in any way, unlawfully

ly injure any slope or slopes which may be erected by virtue of this act, or shall place any set-net, basket, or other obstruction, within one hundred yards of such slope or slopes, calculated to prevent the passage of fish up such streams, such person shall, on conviction thereof before a justice of the peace of the respective counties, forfeit and pay a fine of not less than ten dollars, nor more than one hundred dollars, to the supervisors of the highways in such township or townships wherein such offence was committed, to be by them applied to the repairing of the highways of their respective townships, to be collected as other fines and forfeitures are in other cases recoverable, or upon the non-payment of the said fine, together with the costs of prosecution, such offender shall be imprisoned in the common jail of said county for a term of not less than one month, nor more than three months, there to be fed, clothed and dealt with as prisoners in other cases are dealt with, reserving in all cases the trial by jury on appeal to the court of quarter sessions; the same appeal to be prosecuted by indictment or presentment as in ordinary cases.

Penalty for
injuring
slopes, &c.

Penalty how
applied.

Upon non-
payment of-
fenders may
be imprison-
ed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the centre of Yellowbreeches creek shall, in all cases, be taken as the line between the counties of York and Cumberland; so far as the same creek is a division line between said counties.

Line between
York and
Cumberland
counties.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIFSTER.

CHAPTER CXXIII.

AN ACT

For the relief of the heirs of Philip Wager, late of the city of Philadelphia, deceased.

WHEREAS, by patent bearing date the twenty-sixth day of February, one thousand seven hundred and eighty-seven, there was granted to George Bates, a private in the revolutionary army

of the United States, as a donation, a tract of two hundred acres of land in the eighth district, number sixteen hundred and fifty-eight, that the said George Bates, on the thirtieth of April. one thousand seven hundred and eighty-seven, for the consideration of one hundred dollars, did grant, bargain and sell the said tract to Philip Wager, of the city of Philadelphia. AND WHEREAS, the heirs of the said Philip Wager made frequent inquiries about the tax on said land, and found that it had been paid by some other person, but never knew by whom, until some time in the year one thousand eight hundred and nineteen, when they discovered that number sixteen hundred and fifty-eight was drawn and patented to another person, and that fifteen hundred and fifty-eight was the tract drawn for Bates, and that the mistake was made in the patent to him, in consequence of which the heirs of said Philip Wager have been deprived of their just dues:

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Secretary of the Land Office be and he is hereby directed and required, to issue, free of expense, to Adam Reigart, esquire, of the city of Lancaster, one of the executors of the last will and testament of Philip Wager, late of the city of Philadelphia, deceased, in trust for the uses and purposes in said will expressed, a patent for said tract of donation land in the eighth district, numbered fifteen hundred and fifty-eight, containing two hundred acres, which was intended to be granted to the said George Bates, for his services as a private in the revolutionary war.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXIV.

AN ACT

Supplementary to an act entitled "A supplement to an act entitled An act erecting part of Cumberland county into a separate county, to be called Perry."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Huston, of Fayette county, Abner Lacock, of Beaver county, Cromwell Pearce, of Chester county, Henry Sheets, of Montgomery county, and Doctor Phineas Jenks, of Bucks county, be and they are hereby appointed commissioners, who, or a majority of whom, after being duly sworn or affirmed, to the faithful discharge of their duties, shall proceed to view the relative advantages of the several situations contemplated by the people, and also of the sites determined upon by former commissioners for the seat of justice of the county of Perry; and if they, or any three of them, shall be of opinion that either of the said sites, determined upon by former commissioners, is as near the centre of said county as circumstances will admit, having regard to the convenience of roads, territory, population and the accommodation of the people of said county generally, in attending the courts of justice, then the said commissioners shall, on or before the first day of October, transmit to the Governor a written report, under their hands, or under the hands of a majority of them, certifying therein which of said sites they shall have chosen or approved; but if the said commissioners, or a majority of them, should be of opinion that neither of said sites, determined on by former commissioners, is as near the centre of said county of Perry as circumstances will admit, having regard to the convenience of roads, territory, population and accommodation of the people of said county generally, in attending the courts of justice, then and in such case, it shall be the duty of the said commissioners, or a majority of them, to select and fix upon some other site for a court house, prison and county offices, within the county aforesaid, which shall be as near the centre of said county, as a due regard to the convenience of roads, population and accommodation of the people of said county generally, in attending the courts of justice, will admit; and the said commissioners shall, on or before the first day of October next, by a written report, under their hands, or under the hands of a majority of them, certify, describe and limit the site, or lot of ground which they shall have chosen for the purpose aforesaid, and shall transmit the said report to the Governor; and the site fixed upon by said commissioners, or a majority of them, and certified to the Governor, pursuant to the provisions of this act, shall be and remain the seat of justice for said county of Perry; and said commissioners shall receive the sum of three dollars each for every day necessarily spent in the execution of their duties.

Commissioners appointed to view the several sites for the seat of justice.

If either of the sites heretofore determined upon be approved, to report.

If not approved to select some other and make report.

Compensation

Governor to
fix on time
and place of
meeting.

Power of
county com-
missioners.

formance of the duties aforesaid, to be paid in the usual manner out of the treasury of said county; and the Governor is hereby authorised and required to fix upon the time and place for meeting of said commissioners, and transmit to them, on or before the tenth day of May next, a copy of this act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the commissioners of the county of Perry, to take assurance to them and their successors in office, of such lot or lots, or piece of ground, as shall have been approved of by the persons appointed as aforesaid, or a majority of them, for the purpose of erecting thereon a court house, jail and offices for the safe keeping of the records; and the county commissioners are hereby authorised to take bonds, or other obligations, from any person or persons who may be willing to give the same, to secure the payment of such sum or sums as may be offered to aid in the erection of public buildings of said county, and in case of failure in the payment of said bonds or obligations, agreeably to the terms and conditions of the same, the said commissioners are authorised to sue for and recover the same, for the use of the said county of Perry, in the same manner as debts of similar amount are by law recoverable.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXV.

AN ACT

Authorising compensation for damages done by state roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Jacob Miller, Henry Love, annire and Jacob

Alter be and they are hereby appointed viewers, to view and adjudge the damages, if any, sustained by James Ferril, in consequence of the state road, leading from the White Horse tavern on the top of the Allegheny mountain through Berlin to Connells-ville, having been laid out and carried through two lots, numbered twelve and thirteen, in the town of Berlin, the property of the said James Ferril, and (having due regard to the advantage which may be derived from the said road to the said James Ferril) make return of their proceedings to the next court of quarter sessions, of Somerset county; and if the said court shall approve of the same, the commissioners of the said county shall draw their warrant on the treasurer of said county, in favor of the said James Ferril, for the amount so awarded to him. And the said viewers, before entering on the duties herein prescribed, shall take and subscribe an oath or affirmation, faithfully and impartially to perform such duty; which oath or affirmation, so taken and subscribed, together with the return of their proceedings, shall be filed in the office of the clerk of the court of quarter sessions of Somerset county.

Viewers appointed to adjudge damages sustained by James Ferril, &c.

Damages how paid.

Viewers to be under oath.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the judges of the court of quarter sessions, of Mercer county, be and they are hereby authorised and required to appoint a view, to judge the amount of damage, if any, sustained by Joseph Alexander and Francis Huey, or either of them, in consequence of a state road, leading from the borough of Mercer to the town of Franklin, having been laid out and carried through their improved land; and the same proceedings shall be had, in all respects, as is provided for by the fourteenth section of an act, entitled, "An act for laying out and keeping in repair the public roads and highways in this commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two.

Damages sustained by Joseph Alexander and Francis Huey, to be ascertained.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXVI.

AN ACT

To authorise the laying out a state road from William Steen's tavern, on the turnpike road leading from Bedford to Washington, to Conneville.

Commissioners appointed.

Their compensation.
How paid.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Abraham Morrison, of Somerset county, William Davidson, of Fayette county, and Charles Fulwood, of Westmoreland county, be and they, or a majority of them, are hereby appointed viewers to view, mark and lay out a state road from a point at or near William Steen's tavern, on the turnpike between Bedford and Washington, to intersect the state road passing from the White Horse tavern, at the top of the Allegheny, to Conneville, at or near the thirty-six mile post; and for their services they shall receive one dollar and fifty cents per day, together with a reasonable allowance for chain carriers, to be paid the one-half by the treasurer of Somerset county and the other half by the treasurer of Fayette county, on warrants drawn by the commissioners of the respective counties, on their respective treasurers.*

Draughts to be made and deposited.

SECT. 2. *And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall cause a complete draught of said road to be made, and shall deposit one copy thereof in the office of the secretary of the commonwealth, one in the office of the clerk of the court of quarter sessions of the counties of Fayette and Westmoreland, and said road shall thereafter be deemed and taken to be, to all intents and purposes, a public highway, and shall be opened and kept in repair, as roads laid out by order of the courts of quarter sessions in this commonwealth.*

Commissioners to be under oath.

SECT. 3. *And be it further enacted by the authority aforesaid, That previously to entering upon the duties required of them by this act, said commissioners shall each take an oath or affirmation, before some justice of the peace, of the proper county, faithfully and impartially to discharge the duties required of them by this act.*

May employ a surveyor.

SECT. 4. *And be it further enacted by the authority aforesaid, That if said commissioners, or a majority of them, deem it needful, they shall be authorised to employ a surveyor, who shall re-*

ceive the same compensation and be paid in like manner as said commissioners.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXVII.

AN ACT

To incorporate the Columbia, Chiques, and Marietta Road and Bridge Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Forrey, Jan'r, Jacob Strickler, Christian Breneman, Samuel Hopkins and Francis Boggs, be and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned: That is to say, they shall, on or before the first day of June next, procure two or more books, and in each of them enter as follows, to wit:—"We whose names are hereunto subscribed, do promise to pay to the president and managers of the Columbia, Chiques and Marietta Road and Bridge Company, the sum of twenty-five dollars, for every share of stock, in said company, set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the general Assembly of this Commonwealth, entitled, "An act to incorporate the Columbia, Chiques, and Marietta Road and Bridge Company:" And shall therupon give public notice, in two or more public newspapers printed in the county of Lancaster, one month at least, of the time or times,

Commissioners appointed to receive subscriptions of stock.

Form of subscription.

Notice to be given.

place or places, when and where the said books shall be kept open to receive subscriptions for stock of the said company, at which respective times and places, some one of the said commissioners shall attend, and shall permit and suffer all persons to subscribe in said books, in their own names, or in the names of any other person who shall duly authorise the same, for any number of shares in said stock, and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of two days, or until the said books shall have two hundred shares therein subscribed: And if, at the expiration of the said two days, the books aforesaid shall not have the number of shares therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books elsewhere, until the whole number of shares shall be subscribed for. Of which adjournment and transfer the commissioners aforesaid shall give such public notice as occasion may require. And when the whole number of shares subscribed for shall amount to two hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in his own name; or any other name, shall previously pay to the attending commissioner, the sum of two dollars, for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and all other incidental expenses, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organised and the officers chosen, as hereinafter mentioned.

Who may
subscribe.

Whole num-
ber of shares.

May transfer
subscription
books.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when twenty or more persons shall have subscribed for one half, or more shares, of said stock, the commissioners or a majority of them, shall certify, under their hands, the names of the subscribers and the number of shares subscribed by each, to the Governor, and thereupon, it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, those also who shall afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company of the Columbia, Chiques and Marietta Road and Bridge Company." And by the said name, the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling and transferring and conveying, in fee simple, or for any less estate, all such lands and tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing

When letters
patent may
issue.

Style of the
company.

Powers and
privileges.

and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall have been issued, give notice in two or more public newspapers, printed in the county of Lancaster, of the time and place by them to be appointed, which shall not be less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organise the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy, duly authorised, one president and six managers, one treasurer, and such other officers, as they shall think necessary for the well ordering and conducting the business of the company for one year, and until other officers shall be chosen; and shall and may make such bye-laws, rules, orders and regulations, not inconsistent with the laws of the United States, or of this state, as shall be necessary for the well ordering the affairs of the said company; and generally have like powers, authorities and privileges necessary for carrying on and completing the said road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, as are given and granted to the president, managers and company, incorporated for the purpose of making a turnpike road from Lancaster, through Elizabethtown, to Middletown, by an act entitled "An act to enable the Governor of this Commonwealth, to incorporate a company for making an artificial road from Lancaster, through Elizabethtown, to Middletown," passed the fifth day of March, one thousand eight hundred and four; except so far as relates to the tolls authorised to be received by the said company, and so far as relates to the notice of and holding their annual elections, and so far as relates to the width of the said road, and the materials whereof it is to be constructed; all of which matters and things are to be done and performed as is hereinafter directed, viz: As soon as the company is organised, agreeably to this act, they shall proceed to lay down the route of the said road, beginning at the east end of the Columbia bridge, thence upon or near the shore of the river Susquehanna, over the Chique's creek, at or near its mouth, to the borough of Marietta. And shall make and construct the said road of such materials as will make a good, safe and firm carriage or wagon road, not less than twenty feet in width, except at Chique's rock, and at the Spinning Wheel rock, at which places it shall not be less than ten feet in width. They shall also build and erect a good and substantial bridge, not less than sixteen feet in width, across the Chique's creek. And when the said company shall have completed the said road and bridge, agreeably to the provisions of this act, they are hereby authorised to erect a gate or gates across the said road or bridge, and collect, from travellers and others, the following rates of toll, viz:

Mode of organising the corporation.

Officers to be chosen.

May make bye-laws.

To have like powers, &c. as the Lancaster, Elizabeth & Middletown turnpike company.

Except, &c.

Route of the road.

How to be made.

Bridge to be erected.

Gates to be erected.

				CENTS.
Rates of toll.	From every foot passenger,			2
	For every four wheel carriage, either of burthen or pleasure, drawn by six horses,			31
	And for carriages of the same description, drawn by five horses,			25
	Do.	do.	four do.	20
	Do.	do.	three do.	18½
	Do.	do.	two do.	12½
	Do.	do.	one do.	8
	For every two wheel carriage, either of burthen or pleasure, for every horse therein,			8
	For every sled or sleigh, drawn by four horses,			20
	Do.	do.	two do.	10
	Do.	do.	one do.	6½
	Do.	horseman,		6½
	Do.	led or single horse,		4
	Do.	head of horned cattle,		2
	Do.	do. sheep or swine,		1

Proviso. *Provided*, That no toll shall be demanded or taken from any person passing from one part of his farm to another part thereof, and to or from any place of public worship, on the Sabbath day, or funeral, or from any militia, on days of training. And that they shall give such public notice, of the time and place of holding their annual elections, as is provided in the foregoing part of this section, for the organising of the company.

Annual elections.

Account of tolls to be kept, and dividends declared.

Power to loan money, &c.

When road and bridge shall be free.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said company shall keep a just and true account of all the tolls received, agreeably to this act, and shall divide the same annually among all the stockholders, and pay the same accordingly, until the tolls so received, clear of all expenses, shall amount to more than seven per cent. per annum, then and in that case, the said company shall deposit, annually, such balance in one of the banks at Lancaster, or shall have power to loan out at interest, such balance on good landed security. And whenever the balance, so received, shall have accumulated to such sum as shall be equal to the whole cost of said road and bridge, the president and managers shall pay the same to all the stockholders, in equal proportions, according to the number of shares which each may hold; and the said road and bridge shall from thenceforth be free, and shall be kept in repair by the township or townships in which it is situated, in the same manner as other roads and bridges are kept in repair: *Provided*, That if the company shall not proceed to carry on the works in three years after the passing of this act, or shall not within seven years thereafter complete the same, according to the true intent and meaning thereof, then and in either of those cases, all and sin-

gular the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred, and twenty-three.

JOSEPH HIESTER,

CHAPTER CXXVIII.

AN ACT

To extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every person and persons, bodies corporate and politic, who now are, or may be at the time of this act going into operation, stockholders or proprietors of the capital stock, in "The Bank of the Northern Liberties," incorporated by the act of the twenty first of March, in the year one thousand eight hundred and fourteen, entitled "An act to regulate banks," shall be and they, and their successors and assigns, are hereby declared to be one body politic and corporate, by the name, style and title of "The Bank of the Northern Liberties," upon the conditions hereinafter specified; and by the same name, shall so continue until the first day of May, in the year one thousand eight hundred and thirty-five, and no longer; and shall be able to sue, be sued, implead and be impleaded, in all courts of record, and elsewhere, and to purchase, have, and hold, receive, possess, enjoy and retain, to them and their successors, lands, tenants, hereditaments, rents, goods, chattels and effects of whatsoever nature or quality, to an amount not exceeding five hundred thousand dollars, including the amount of the capital stock of the

Corporation created.

Style.

Continuance of corporation.

Powers and privileges.

said company, except such as may be held in security or for payment of debt, and the same from time to time to sell, graat, demise, alien, or dispose of, and also to make, to have, and use, a common seal, and the same to break, alter and renew, at pleasure, and also to ordain, establish and put in execution, such bye laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the fundamental articles thereof, or to the constitution or laws of the United States, or of this state; and generally to do and execute all matters and things consistently with the provisions of this act, which a corporation or body politic in law may or can lawfully do and execute; and to have, hold, receive, possess, enjoy and retain, to them and their successors, all the estate, property and effects of every kind, which the said "Bank of the Northern Liberties," shall be possessed of, or entitled to, at the time of this act going into operation, and all rights to and contracts respecting the same shall be vested in the corporation hereby created, in the same manner as if the act incorporating the said bank had been continued in full force until the first day of May one thousand eight hundred and th-rt-y-five and the said corporation, hereby created, may sue and be sued, on all debts, claims, or demands, due or owing to or from the said Bank of the Northern Liberties heretofore incorporated as aforesaid in the same manner as if the act incorporating the same had been continued in full force and effect as aforesaid; and the said corporation, hereby created, shall have the benefit and advanage of, and be liable to, all contracts and engagements entered into with the said Bank of the Northern Liberties, heretofore incorporated, in the same manner as if the act incorporating the same had been continued in full force and effect as aforesaid, and all suits brought by or against the said Bank of the Northern Liberties, shall be continued and adjudged in the same wanner as if the said act incorporating the same had been continued in force until the said first day of May, one thousand eight hundred and thirty-five, without the necessity of alleging the same in pleading.

Capital stock
not to ex-
ceed.

Amount of
shares.

Location of
bank.

Present cap-
ital stock.

New certifi-
cates of stock
to be issued.

SECT. 2 *And be it further enacted by the authority afore-
said,* That the capital stock of the Bank of the Northern Liber-
ties shall not exceed five hundred thousand dollars, lawful mo-
ney of the United States, divided into shares of fifty dollars each,
and the said bank shall be kept in the Northern Liberties, in the
county of Philadelphia, except in cases of contagion or invasion
of an enemy, when a temporary removal may take place.

SECT. 3. *And be it further enacted by the authority afore-
said,* That from and after the time of this act going into opera-
tion, the capital stock of the said bank of the Northern Liber-
ties, actually paid in, shall be deemed and taken to be the sum
of one hundred and fifty thousand dollars, and no more.

SECT. 4. *And be it further enacted by the authority afore-
said,* That new certificates of stock, signed by the president and
countersigned by the cashier, and sealed with the common seal
of the said corporation, shall be issued and delivered to each

stockholder, acknowledging the payment of fifteen dollars on each share held by him, her or them, subject however to the payment of the remaining seven instalments of five dollars each, when called for; so that the original capital stock, consisting of ten thousand shares of fifty dollars each be made whole. And the stockholders shall, on receiving new certificates of stock as aforesaid, return their old certificates to the proper officers of said bank, who shall cause the same to be cancelled.

Old ones to be cancelled.

SECT. 5. *And be it further enacted by the authority aforesaid.* That the following rules, restrictions, limitations and provisions shall form and be the fundamental articles of the constitution of the said corporation, to wit.

Fundamental articles.

ARTICLE I.

The affairs of the company shall be conducted by fifteen directors, to be chosen annually by the stockholders. No person shall be a director who is not a citizen of the United States and the holder of at least five shares of stock in his own right. No director of any other bank shall, at the same time, be a director in this bank, nor shall the governor, the secretary of the commonwealth, any officer in the treasury department, in the office of accounts, or in the land office, any member of the legislature, or of congress, or any judge of any court, be a director of this bank.

Directors.

Who shall not be directors.

ARTICLE II.

The election of directors shall be by ballot, and shall take place on the third Monday in November, in every year, at such place within the city or county of Philadelphia as the directors for the time being shall appoint, notice of which shall be given thirty days previous thereto, in the manner hereinafter prescribed, and a fair and correct list of the stockholders shall be fixed up, at least two months before any election of directors, in the common hall of said bank. And the directors shall assemble on the Tuesday succeeding such election and choose one of their number to be president of the said bank. They shall continue in office one year and until others be chosen. If it shall happen that an election of directors be not made on the day above prescribed, the corporation shall not for that cause be dissolved, but it may be lawful on any other day, within thirty days thereafter, three weeks notice being given in the manner aforesaid, to hold and make an election in such manner as the bye-laws and ordinances of the corporation shall prescribe. And the directors shall, at their first meeting after such election, elect one of their number to be president. And in case of the death, resignation, absence from the United States, or inability to act, of the president, or of any director, the board of directors shall choose another to supply his place.

When and how directors are to be elected.

President to be chosen.

If no election be held, corporation not to be dissolved.

Vacancies how supplied.

ARTICLE III.

For the well ordering and conducting of elections, the directors shall, previously thereto, appoint three stockholders, not being

President
pro tem.

action of any business; but ordinary discounts may be made by the president and four other directors. In case of sickness or necessary absence of the president, his place may be supplied by a president *pro tempore*, to be appointed by the directors present, from amongst their number.

ARTICLE IX.

Manner of
calling general
meetings.

The board of directors, or twenty stockholders, being together proprietors of one-twentieth part of the stock of the said bank, may, at any time, call a general meeting of the stockholders, for the purposes relative to the institution, giving at least thirty days notice thereof, in the manner hereinafter prescribed, specifying in such notice the object or objects of such meeting.

ARTICLE X.

Annual meet-
ings.

A general meeting of the stockholders shall be held on the second Monday in November, in every year at which time the directors shall lay before them a general and particular statement of the affairs of the company: *Provided*, That this shall not be construed so as to compel the directors to lay before the stockholders a statement of the private account of any individual or individuals.

Proviso.

ARTICLE XI.

Of the trans-
fer of stock.

The stock of the company shall be assignable and transferable in such manner as the bye-laws shall ordain; but no stockholder, indebted to the institution, shall be authorised to make a transfer or receive a dividend till such debt is discharged, or security, to the satisfaction of the directors, given for the same; and if the said debt shall remain unpaid for the space of sixty days, then, and in such case, the president and directors of the said bank may, after giving ten days notice thereof to such stockholder, or his agent, cause the share or shares of such stockholder, or so many thereof as they may deem necessary, to be sold, and after applying the proceeds of sale, deducting expenses, to the payment of said debt, shall hold the surplus, if any, to the credit of said stockholder: *Provided, always*, That no stock shall be assigned or transferred to any person or persons, directly or indirectly, except citizens of this state, of the United States, or one of them, or corporations created by the laws of any of the United States, or such foreigner or foreigners as have previously declared, as the laws direct, that he or they intend to become a citizen or citizens of the United States.

When shares
shall be for-
feited.

Proviso.

ARTICLE XII.

Rate of dis-
count.

The rate of discount, at which loans may be made by the said corporation, shall not exceed one-half of one per centum for thirty days.

ARTICLE XIII.

Dividends of so much of the profits of the institution as shall appear advisable to the directors, shall be declared at least twice a year, on the first Monday of May and November, in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired. If the said directors shall make any dividend which shall impair the capital stock of said institution, the directors consenting thereto shall be liable in their individual capacities, to the said company, for the amount of the stock so divided. And each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

When dividends shall be declared.

Not to impair capital stock.

Directors consenting, liable.

What shall be construed a consent.

ARTICLE XIV.

It shall be lawful for the said corporation to hold such lands, tenements and hereditaments only as shall be requisite for its accommodation, in relation to the convenient transaction of its business, and such as shall be *bona fide* mortgaged to it, or shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments obtained for such debts. Not more than fifty thousand dollars shall be expended in the purchase of grounds and the erection of a banking house for the accommodation of the institution. The said corporation shall not, directly nor through the agency of any person or persons whatsoever, buy or sell or in any manner trade or deal in their own stock, notes or securities, or in the stock, notes or securities of any other bank or incorporated body, whether of the United States or of this state, or any other state, or any goods, wares or merchandise whatsoever, except bills of exchange, gold or silver coin, or bullion. And the said corporation shall not buy or sell, or in any manner trade or deal in or hold any stock or securities of the funded debts of the United States, or of any of the states, treasury bills, or other public securities, to an extent exceeding one-twelfth of the capital stock actually paid in; and all and every director or officer of said bank, or other person or persons, who shall, contrary to the true intent and meaning of this act, be engaged, either as principals or agents, in such buying, selling, trading or dealing, shall forfeit and pay treble the value of such stock, treasury bills, notes, goods, wares or merchandise, to be sued for in an action of debt, one-half to the use of the person prosecuting for the same, and the other half to the use of the state. And every director present at the meeting of the board when any such buying, selling, dealing or trading shall be ordered and agreed to, shall be adjudged as consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice of the fact to

What lands may be held by bank.

How much may be expended in buildings.

Corporation not to deal in any stock, notes, &c. nor in any goods except, &c.

Penalty for so doing.

Proviso.

the stockholders, at a meeting which he is hereby authorised to call for that purpose: *Provided*, That said corporation shall be at liberty to receive, on pledge, any of the above mentioned stock, notes, treasury bills, securities, goods, wares and merchandise, as collateral security for loans on promissory notes, and to sell the same within three months after such pledge shall become forfeited.

ARTICLE XV.

Bills obligatory, &c. assignable.

Of bills and notes without seal.

The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property and legal title thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only; and all notes or bills, at any time discounted by the said corporation, or deposited for collection, and falling due at the said bank, shall be and they are hereby placed on the same footing as foreign bills of exchange, or as bills obligatory, so that the like benefit shall be had in the payment, and the like remedy for the recovery thereof, against the drawer and drawers, endorser and endorsers, and their representatives, and with the like effect, except so far as relates to damages, any law, custom or usage to the contrary in any wise notwithstanding: *Provided*, That no notes shall be issued or received by the said corporation, of a lower denomination than five dollars.

Proviso.

ARTICLE XVI.

Directors may inspect books, &c.
Minutes of proceedings to be kept.

The books, papers, correspondence and funds of the company, shall at all times be subject to the inspection of the directors, who shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose, and on any question, where two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes, and these

minutes shall at all times, on demand, be produced to the stockholders, at a general meeting, or to the legislature, or any committee thereof, who shall be the authorised to require the same.

Subject to inspection,

ARTICLE XVII.

It shall be the duty of the president and directors of the said bank, to exhibit to either branch of the legislature, when called upon so to do, a statement of their affairs, in the form of a regular account current, or in such form as may hereafter be pointed out by the legislature, or either branch thereof, as they shall stand on any day to be designated by them, specifying particularly the amount of their capital stock, notes in circulation, deposits, debts due to other banks, contingent fund, notes and bills discounted, stocks, real estate, bonds, mortgages, notes of and debts due by other banks, gold and silver on hand, and such other information as may enable the legislature to form a correct knowledge of their actual condition, and of the currency: *Provided*, That such a statement of their affairs, as they shall stand on the first Monday of November, of each year, together with a copy of their bye-laws, shall annually, in the month of December, be transmitted, under the oath or affirmation of the president or cashier, to the auditor general, who shall, within the month of January following, lay the same before the legislature.

Statement of affairs to be exhibited to either branch of the Legislature.

Proviso,

ARTICLE XVIII.

The said corporation shall not any time suspend or refuse payment in gold or silver, of any of its notes, bills or obligations, nor of any monies received upon deposit in said bank; and the cashier of said bank shall, when required, give a certificate of the time and amount of every such deposit, to the person who makes the same, or his, her or their legal representatives. And if the said corporation shall, at any time, refuse or neglect to pay on demand, in gold or silver, any bill, note, or obligation, issued by the corporation according to the contract, promise, or undertaking therein expressed, or shall neglect or refuse to pay, on demand, in gold or silver, as aforesaid, any monies received in said bank on deposit, to the person or persons entitled to receive the same, then, and in every such case, the holder of such note, bill, or obligation, or the person or persons entitled to demand and receive such monies as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations, or monies, until the same shall be fully paid and satisfied, at the rate of twelve per cent. per annum from the time of such demand as aforesaid. And it shall be the duty of the president or cashier of said bank, and he is hereby required to make, at the time of demand being made for the payment of any note, bill, or obligation, or money deposited, as aforesaid, the payment of which, in gold or silver, shall have been refused, an indorsement on the said note, bill, obligation, or certificate, setting forth the day and year when the payment thereof was de-

Not to suspend specie payments.

Of deposits.

Penalty for refusing to pay specie.

Duty of president or Cashier, where specie is refused to be paid, &c.

Penalty for neglect.

Proviso.

manded, and subscribe his name thereto. And in case the said president or cashier shall neglect or refuse to make such endorsement at the time and in the manner hereinafter before required, he shall forfeit and pay the holder of such note, bill, obligation or certificate, the sum of twenty-five dollars, to be recovered in the same manner as debts of like amount are or may be by law recoverable: *Provided*. That no holder of any such note bill, obligation or certificate, shall be entitled to the said interest for a longer period than three months, by virtue of any such endorsement, unless upon a subsequent demand at or after the expiration of the said three months, payment shall be again neglected or refused, in which case he or she shall be entitled to the said interest from the date of the first endorsement until three months after the expiration of the last endorsement, and the holder of any such note, bill, obligation or certificate, is hereby authorised to demand payment of the same at and after the expiration of every three months, from any preceding demand and refusal, and the date of the second and every subsequent demand or neglect or refusal to pay, shall be endorsed by the president or cashier on the note, bill, obligation or certificate, in manner aforesaid, and under the same penalty for refusal that is prescribed in the preceding part of this article: And in case the holder of any such note, bill, obligation or certificate, or his or her executors, administrators, or assigns, shall commence suit against the said bank, for the recovery of the amount due from the same, then the said interest shall be recovered on the said amount until it is paid and satisfied, without any further demand being made of said bank.

ARTICLE XIX.

Proceedings where bank refuses to pay specie at or three months from the time of the first refusal.

When Governor shall issue his proclamation annulling the charter.

Upon the refusal of the said bank to pay any of its notes, bills, obligations or deposited monies, in gold or silver, at or after the expiration of three months from the time of the first refusal of said bank to pay as aforesaid, it shall and may be lawful for the holder or proprietor of the same to make application in writing, to any judge of any court in the proper county, to allow him or her to make proof of said refusal on oath or affirmation, by at least one disinterested witness, before said judge, whose duty it shall be to give at least ten days notice to the president or cashier of said bank, of the time and place of making such proof, in order that an opportunity may be afforded of rebutting the same by testimony. And if the facts be substantiated it shall be the duty of the said judge to reduce the same to writing, and to transmit the same to the Governor, and it shall be the duty of the Governor immediately on the receipt of the written proof above specified, to issue his proclamation, declaring the charter of the said bank to be forfeited, and from and after the tenth day after the date of the said proclamation, the charter of the said bank shall be absolutely null and void and of no effect whatsoever, except that the said bank shall be liable in its corporate capacity for the fulfilment of all contracts previous-

ly made and entered into by it, and the stockholders thereof shall have power to elect directors as usual and be capable of compelling the fulfilment of any contract entered into with said bank, previously to the date of the said forfeiture: *Provided*, That in case of forfeiture of the charter of said bank, by the proclamation of the Governor as aforesaid, the said bank shall not be compelled to pay the penalty of twelve per cent. per annum after the date of said proclamation, for any notes, bills, obligations or deposited monies, which the said bank may have refused to pay in gold or silver as aforesaid, or which the said bank shall refuse to pay as aforesaid after the forfeiture of said charter.

Proviso.

ARTICLE XX.

In case of a suspension of payment, in gold or silver, as aforesaid, it shall not be lawful thereafter for the said bank to issue its own notes, except to such claimants of deposited monies as may demand them in lieu thereof, or to make or declare any new loan or dividend until the said bank shall pay in gold or silver the note or notes, bill or bills, obligation or obligations, or deposited monies, which the said bank may have refused to pay as aforesaid. And if any such note be issued, except as is above excepted, or any such loan or dividend be made or declared, the directors consenting to the same, shall be liable each in his individual capacity to pay the amount thereof to any person or persons holding notes of the said bank, or having a claim for deposit monies to an equal amount, who shall first sue for the recovery of the same: *Provided*, That nothing herein contained shall be construed to prevent the said bank from continuing or renewing the notes or obligations of those who may be indebted to it as occasion may require.

In case of a suspension of specie payments, bank not to issue its notes, except, &c.

Directors consenting to be liable.

Proviso.

ARTICLE XXI.

The Legislature may at any time or times hereafter, appoint a joint committee, whose duty it shall be to inquire and to examine into the credit and situation of the said bank, to ascertain the debts and credits thereof, and whether it is in a flourishing or declining situation. And for this purpose the directors, for the time being, shall furnish the necessary information to the committee, and the said committee shall have power also, if they deem it necessary, to demand the personal inspection of all the specie and books of the said bank, that may tend to elucidate their inquiry, and the committee having performed such duty, shall report to their respective houses the result of such examinations: *Provided*, That this shall not be construed to imply the right of inspecting the account of any individual or individuals with the said bank.

Right of the Legislature to examine into the credit, and inspect books of the bank.

Proviso.

ARTICLE XXII.

The corporate powers, rights and privileges of the said bank shall, after the expiration of the term for which this charter has been granted, for the liquidation and settlement of all its trans-

Of the settlement of the affairs of the bank.

actions and accounts and for no other purpose, be and continue in force until the same be fully liquidated and settled.

ARTICLE XXIII.

Penalty on making or passing any counterfeit notes or bills.

Any person or persons who shall print, sign, alter, publish, or pass, or be concerned in the printing, signing, altering, publishing or passing any counterfeit note or notes, bill or bills of the bank aforesaid, knowing them to be such, or who shall alter, or be concerned in the altering of any genuine note or notes, bill or bills of the said bank, with intent to defraud, and shall be convicted thereof, shall be sentenced to undergo an imprisonment, at hard labor, for a term not exceeding ten years, and shall be kept, treated, and dealt with, in all respects as other convicts now are or may hereafter be by law, and the clause limiting the duration of this act shall not in any manner affect prosecutions for the offences here enumerated, but they shall be carried on against all offenders as if this act had been made perpetual.

ARTICLE XXIV.

Penalty on engraving, &c. with intent to forge or counterfeit notes or bills, &c.

That if any person or persons shall make or engrave, or cause or procure to be made or engraved, or shall have in his, her, or their custody or possession, any metallic or other plate, engraved after the similitude of any plate from which any notes, bills, issued by the said corporation, shall have been printed, with intent to use such plate, or to cause or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by the said corporation, or shall have in his, her or their custody or possession, any blank note or notes, bill or bills, engraved and printed after the similitude of any note or notes, bill or bills, issued by said corporation, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the note or notes, bill or bills, issued by the said corporation, or shall have in his, her or their custody or possession, any paper adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of the said corporation shall have been issued, with intent to use such paper or cause or suffer the same to be used in forging or counterfeiting any of the notes or bills issued by the said corporation, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a term not exceeding five years, or shall be imprisoned for a term not exceeding five years and fined in a sum not exceeding one thousand dollars.

ARTICLE XXV.

Eight per cent. of the whole amount of dividends, to be paid to the state.

Immediately after the declaration of the dividend or nett profits, on the first Monday in November of every year, the president, directors, and company, of the said banks shall transmit eight per cent. of the whole amount of the dividend, which shall have been declared during the preceding year, to the state treasurer, for the use of the commonwealth, accompanied with a certificate

from the president or cashier of the bank under oath or affirmation, made before any alderman or justice of the peace, of the whole amount of the dividends which shall have been declared during the preceding year, including the said first Monday in November. And if any of the said annual payments be not made within two months after the said first Monday of November, in every year, accompanied with the said certificate as aforesaid, then, and in that case, the said bank shall be liable to interest upon the amount so due to the commonwealth, at the rate of twelve per cent. per annum, to be computed from the said first Monday of November, until the same be paid, which said principal sum, with the interest, shall be recoverable in any court having competent jurisdiction: *Provided*, That the said tax of per cent. shall not be payable on any dividend or dividends declared prior to the period at which the present charter of the said bank would expire, if not renewed.

If not paid,
bank liable
to interest,
&c.

Proviso.

ARTICLE XXVI.

The president and directors of the said bank shall furnish to each of the stockholders, on demand, a printed copy of the act of incorporation and of the bye-laws.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the notice for the election of directors and for a general meeting of the stockholders of the said bank, required by the third section of this act, shall be published in at least two daily newspapers, printed in the city of Philadelphia.

Notice of
elections and
general meet-
ings, how
given.

SECT. 7. *And be it further enacted by the authority aforesaid*, That all bills or notes printed and remaining with the said corporation, or issued by order of the said corporation, prior to the passage of this act, and afterwards received by them, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, shall, thereafter, be negotiable by the said corporation of the bank of the Northern Liberties, in like manner as if the same were made and issued by the corporation of the bank of the Northern Liberties hereby created: *Provided*, That no such notes shall be re-issued of a less denomination than five dollars.

Bills and
notes of the
said bank to
be negotiable
by corpora-
tion hereby
created.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That whenever the legislature of the state may require it, the said bank shall loan to the commonwealth, a sum not exceeding five per cent. on the amount of the capital stock actually paid in, at an interest not exceeding five per cent. per annum, for any time not exceeding the unexpired term of the charter hereby granted; and if the said bank should neglect or refuse to comply with this requisition, when called on, then the charter hereby granted, shall become null and void: *Provided*, That at least sixty days notice shall be given by the Governor, to the bank, previous to any application for such loan or loans: *And provided further*, That any money they loaned to the state shall not be

To loan a
certain
amount to
the state at
five per cent.

Proviso.

2d Proviso.

actions and accounts and for no other purpose, be and continue in force until the same be fully liquidated and settled.

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Immediately after the declaration of the dividend or nett profits, on the first Monday in November of every year, the president, directors, and company, of the said banks shall transmit eight per cent. of the whole amount of the dividend, which shall have been declared during the preceding year, to the state treasurer, for the use of the commonwealth, accompanied with a certificate

from the president or cashier of the bank under oath or affirmation, made before any alderman or justice of the peace, of the whole amount of the dividends which shall have been declared during the preceding year, including the said first Monday in November. And if any of the said annual payments be not made within two months after the said first Monday of November, in every year, accompanied with the said certificate as aforesaid, then, and in that case, the said bank shall be liable to interest upon the amount so due to the commonwealth, at the rate of twelve per cent. per annum, to be computed from the said first Monday of November, until the same be paid, which said principal sum, with the interest, shall be recoverable in any court having competent jurisdiction: *Provided*, That the said tax of per cent. shall not be payable on any dividend or dividends declared prior to the period at which the present charter of the said bank would expire, if not renewed.

If not paid,
bank liable
to interest,
&c.

Proviso.

ARTICLE XXVI.

The president and directors of the said bank shall furnish to each of the stockholders, on demand, a printed copy of the act of incorporation and of the bye-laws.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the notice for the election of directors and for a general meeting of the stockholders of the said bank, required by the third section of this act, shall be published in at least two daily newspapers, printed in the city of Philadelphia.

Notice of
elections and
general meet-
ings, how
given.

SECT. 7. *And be it further enacted by the authority aforesaid*, That all bills or notes printed and remaining with the said corporation, or issued by order of the said corporation, prior to the passage of this act, and afterwards received by them, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, shall, thereafter, be negotiable by the said corporation of the bank of the Northern Liberties, in like manner as if the same were made and issued by the corporation of the bank of the Northern Liberties hereby created: *Provided*, That no such notes shall be re-issued of a less denomination than five dollars.

Bills and
notes of the
said bank to
be negotiable
by corpora-
tion hereby
created.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That whenever the legislature of the state may require it, the said bank shall loan to the commonwealth, a sum not exceeding five per cent. on the amount of the capital stock actually paid in, at an interest not exceeding five per cent. per annum, for any time not exceeding the unexpired term of the charter hereby granted; and if the said bank should neglect or refuse to comply with this requisition, when called on, then the charter hereby granted, shall become null and void: *Provided*, That at least sixty days notice shall be given by the Governor, to the bank, previous to any application for such loan or loans: *And provided further*, That any money they loaned to the state shall not be

To loan a
certain
amount to
the state at
five per cent.

Proviso.

2d Proviso.

drawn from the said bank, for the purpose of being deposited in any other bank, but shall remain in the bank, subject to the order of the state, at such times and in such sums as the exigencies of the state may require.

When this act shall go into operation.

Repeal.

SECT. 9. *And be it further enacted by the authority aforesaid,* That so soon as the president and directors of the said bank of the Northern Liberties shall express, in writing, addressed to the Secretary of the Commonwealth, their acceptance for the stockholders of this charter, then this act shall be deemed and taken to be in full force and operation; and all former laws, which are hereby altered and supplied, shall then be and the same are hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXIX.

AN ACT

Relative to mortgages.

Proceedings in order to have satisfaction entered on the record of a mortgage where the legal holder has died, or removed out of the state.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where the legal holder or holders of mortgage have died, or shall die, without entering satisfaction upon the record of the same, and also in all cases where the legal holder or holders of a mortgage have removed, or shall remove, or be out of the state, and payment being made of all the money or amount due, or to become due thereon, and shall so continue for two years, that in such case the mortgager or mortgagers, his, her or their legal representative or representatives, or the owner or owners of the mortgaged premises, or any or either of them, may petition the court of common pleas of the county where the

mortgaged premises are situate, setting forth the premises, whereupon the said court shall direct the sheriff of the said county to serve a notice, stating the facts set forth in the petition, on the legal representative or representatives, if to be found in the said county, and in case the parties aforesaid cannot be found in said county, then the said sheriff shall give public notice as aforesaid in one or more newspapers within or nearest to the said county, once a week for four weeks successively, prior to the then next term after the petition as aforesaid has been presented, requiring the said parties to appear at said term and answer the petition as aforesaid *"at which term, and answer the petition as aforesaid."* at which term, or at any subsequent term, the said court, on due proof being made that the full amount for which the said mortgage was given has been paid, are hereby authorised and required to decree and direct that satisfaction shall be entered upon the record thereof, by the recorder of the proper county, on payment of the costs due relative to the entry of said mortgage, or any proceedings thereon, which said satisfaction so entered shall forever thereafter discharge, defeat, and release the same, and shall likewise bar all actions brought or to be brought thereon, as fully and effectually to all intents and purposes as if the satisfaction had been entered by the legal holder or holders of the said mortgage; but if either of the parties shall desire any matter of the fact that is affirmed by the one or denied by the other to be tried by a jury, an issue shall be formed and the same shall be tried accordingly, and if the jury shall find that the full amount for which the said mortgage was given has been paid, then satisfaction shall be entered on the record as aforesaid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases of a mortgage where, by agreement, the mortgage is to be satisfied, paid and discharged, by instalments, the legal holder or holders thereof, or his agent or attorney, on receiving each of such instalments with all interest thereon due, shall receipt for the same upon the record of the mortgage in the proper office as they are severally paid, which receipt or receipts shall be a release and discharge of the said mortgage to the amount thus receipted for, and the mortgage shall not at any time be a lien on the mortgaged premises to any greater amount than the sum of the principal and interest actually remaining due or becoming due and unpaid, and if any legal holder or holders, or his or their agent and attorney, of any mortgage, shall refuse or neglect, upon request of the mortgagor or mortgagors, or of his, her or their legal representatives, or any person owning the mortgaged premises, or any part thereof, on tender of the cost of office for entering such receipt upon the record of the mortgage, to receipt upon the record of such mortgage the amount of the instalments received within sixty

Where mortgage is to be paid by instalments the legal holder, &c. shall upon receiving any such instalments receipt for the same, &c.

Penalty for neglect.

* The words "at which term and answer the petition as aforesaid," appear to be superfluous.

days after such request made, such holder or holders, or his or their agent or attorney, shall for every such offence, forfeit and pay unto the party or parties aggrieved, any sum of money not exceeding the amount of the instalment so neglected or refused to be receipted for, to be recovered, sued for, and demanded, by the mortgagor or mortgagors, or persons damaged, in like manner as other debts are now recoverable by law in this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXX.

AN ACT

Authorising the laying out a certain state road from Wilkesbarre, in the county of Luzerne, to the borough of Northampton, in the county of Lehigh.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That James Kennedy, of Northampton county, and Charles L. Hutter, of the county of Lehigh, and John Bennet, of the county of Luzerne, be and they are hereby appointed commissioners to view, lay out and mark a state road from Wilkesbarre, in the county of Luzerne, the nearest and best route through Solomon's Gap, thence by way of Mauch Chunk, to the borough of Northampton, in the county of Lehigh: *Provided,* That the said road, when made, shall not exceed an elevation of five degrees, from a horizontal line.

Commissioners appointed

Route.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he enters upon the duties of said appointment, shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and ier-

Commissioners to be under oath.

partially to perform the duties enjoined on him by this act; and each of them shall receive two dollars for every day he or they shall necessarily be employed in said work, together with a reasonable compensation for chain carriers and markers. And the accounts of the said commissioners shall be adjusted and settled by the commissioners of the counties through which the said road shall pass, and the expenses shall be paid by the respective counties, in proportion to the distance it shall pass through the same, by warrants drawn by the commissioners on the treasurers of the respective counties.

Compensation.

Accounts how settled and paid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners to make out a draft of said road, to be deposited in the office of the Secretary of the Commonwealth. And they shall also deposit a copy of said draft in the office of the clerk of the court of quarter sessions of the peace of the respective counties through which the said road may pass, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired, in all respects as other roads are opened and repaired, which are laid out by order of the courts of quarter sessions of the counties aforesaid. And the said commissioners shall perform the duties required of them, on or before the first of August next.

Drafts of the road to be made and deposited.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIFSTER.

CHAPTER CXXXI.

A Supplement

To the act entitled "An act to incorporate the town of West Chester, in the county of Chester, into a borough."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

Time of annual elections.

Officers to be elected:

Proviso.

Burgesses to appoint high constable and town clerk.

Proviso.

Power of burgesses.

That after the next election for borough officers, agreeably to the act to which this is a supplement, the citizens of the said borough, who may be entitled to vote for members of the legislature of this commonwealth, shall annually, on the day appointed by law for electing township constables, meet together at the court house in the said borough, and then and there elect by ballot, one reputable freeholder to be Chief Burgess, one other reputable freeholder to be Second Burgess, and five reputable persons to be Assistant Burgesses, whose duty it shall be to advise and assist the said Burgesses in the execution of the duties, powers and authorities given by this act, or the act to which it is supplementary; all which said officers shall be citizens of this commonwealth, qualified to vote as aforesaid, and who are actually resident within the said borough: *Provided*, That no person so elected as aforesaid, shall be compelled to serve more than four successive years in any term of five.

SECT. 2. *And be it further enacted by the authority aforesaid.*

That the said burgesses and assistant burgesses, or a majority of them, are hereby authorised and required, as soon after their elections as conveniently may be, to meet and appoint annually, one high constable and one town clerk, who shall perform all the duties and be subject to all the provisions contained in this act, or the act to which it is a supplement: *Provided*, That they shall not be compelled to serve for more than four successive years in any term of five, and which said officers may be removed from office by the said burgesses and assistant burgesses or a majority of them, the chief burgess being one, whenever in their opinion the interests of the said borough shall require it, and other persons appointed in their places. And the said burgesses and assistant burgesses, or a majority of them are hereby further authorised to appoint all such other officers within the said borough as may be found necessary and proper to carry into effect the provisions of this act or the act to which it is a supplement, and the same from time to time to alter and remove as may be thought advisable and proper.

SECT. 3. *And be it further enacted by the authority aforesaid,*

That the burgesses and assistant burgesses of the said borough of West Chester, shall have all the rights, powers and authority over the roads and highways in the said borough, that now are or hereafter may be vested by law in supervisors of highways; and the said burgesses and assistant burgesses, or a majority of them, shall have full power and authority to make all such ordinances, rules and regulations as may be deemed by them necessary and proper for improving the said roads, highways, streets and alleys within the said borough, and for removing nuisances and obstructions therefrom, and generally shall have full power and authority to make all such ordinances, rules and regulations as they may consider necessary and proper for the well-ordering, better government and general improvement of the said borough, and the same to annul, alter or make anew as occasion may require, and which they are hereby authorised to enforce and carry

into effect, provided they are not inconsistent with the constitution and laws of the United States or of this commonwealth; and the said burgesses and assistant burgesses or a majority of them are hereby further authorised and empowered, to levy, assess and collect as often as may be necessary, a tax or taxes for the purpose of carrying the provisions of this act or the act to which it is supplementary, into full effect: *Provided, however,* That no assessment of taxes for borough purposes, except for improving and repairing the streets, roads and highways in said borough shall embrace more than ten acres of land of any one plantation, in which assessment the buildings shall be included: *And provided,* That no tax or taxes shall be laid by them, in any one year to exceed one half cent in the dollar on the valuation of taxable property, taken from the last assessment, until the same is agreed to by a majority of the electors at a town meeting assembled for that purpose, called together by the said burgesses and assistant burgesses, or by a request in writing, to the said burgesses, of at least six of the inhabitants of said borough, duly qualified to elect as aforesaid, when said burgesses shall require the high constable to give five days notice of such intended town meeting, by advertisements fixed up in not less than six of the most public places within the said borough, notifying the time and object of the said town meeting. And all taxes, which may be assessed or laid within the said borough, shall as near as the same is practicable, be conformable to the laws of this commonwealth for raising county rates and levies.

Proviso.

2d Proviso,
relative to
taxes.

SECT. 4. *And be it further enacted by the authority aforesaid,* That all officers appointed in the said borough shall, annually, or oftener if necessary, render an account of all money and property which may come into their hands, or for which they may be accountable, and of all expenditures made by them, to the said burgesses and assistant burgesses, and which accounts shall be examined, adjusted and settled by the said burgesses and assistant burgesses. And the chief burgess is hereby directed to cause to be annually published, for the information of the inhabitants of the said borough, a detailed statement of the receipts and expenditures within the said borough for the preceding year. And the said burgesses and assistant burgesses are hereby authorised to adopt such ordinances and regulations as may be convenient and necessary for compelling a settlement of said accounts, and the payment of all monies that any of the said borough officers may be accountable for, and all fines and forfeitures ordained by them to be paid, shall be collected for the use of the said borough agreeably to the seventh section of the act to which this is a supplement.

Officers to
render their
accounts an-
nually.

Statement
thereof to be
published.

Ordinances
may be pass-
ed to compel
settlement.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of the laws of this commonwealth as requires the election of township supervisors of the highways within the said borough, and so much of the act to which this is a supplement,

Repeal of
parts of
former laws.

as is hereby altered or supplied, be and the same are hereby respectively repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXXII.

A Supplement

To the act entitled, "An act authorising the incorporation of the Pittsburgh and Steubenville, and Washington and Pittsburg Turnpike road companies."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Pittsburg and Steubenville, Washington and Pittsburg turnpike road companies, are hereby authorised to make or cause to be made, so much of the said roads as is not completed, in the following manner, to wit: All the timber shall be taken out by the roots and removed from the roads, they shall be at least two feet higher in the centre than at the sides, and they shall be well and sufficiently ditched so as to carry off the water and keep the roads in their foundation firm and dry, so as to secure a solid foundation, a smooth and firm surface, and shall be constructed of such materials as the nature of the ground along which the roads may pass will admit of, and such as the president and managers may think proper to adopt, and in all respects to conform to the artificial road from the city of Pittsburg, through Butler and Mercer, to Meadville.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor be and is hereby authorised and required, to draw his warrant on the State Treasurer, in favor of the president and managers of the Washington and Pittsburg turnpike road company, for the sum of four thousand dollars, to be paid out of the sum heretofore authorised to be paid to the said company, for the stock subscribed by the Governor on behalf of the

How roads
are to be
made.

Four thousand dollars to be applied in erecting two bridges over Char-tiers creek.

commonwealth; and the said president and managers are hereby authorised to expend the same towards erecting two substantial bridges over Chartiers creek, where the said turnpike road crosses the same, in the county of Allegheny: *Provided*, That this act shall not be so construed as to impair the just and lawful claims of persons who have done work, labor or service on the said road. Provide.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said president and managers are hereby authorised to draw their warrants on the State Treasurer, who is hereby directed to pay the same, for one-fourth of said sum, when they shall have entered into contracts for the erection of the said bridges, for one other fourth when the abutments shall be built, one other fourth when the frames of said bridges shall be erected, and the remaining fourth when the bridges shall be completed. How money is to be drawn.

SECT. 4. *And be it further enacted by the authority aforesaid*, That so much of any law or laws, as is hereby altered or supplied, shall be and the same is hereby repealed. Repealing section.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXXIII.

AN ACT

Incorporating the Pennsylvania Agricultural Society.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That all and every of the persons, who shall, at the time of passing this act, be members of the Pennsylvania Agricultural Society, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of Corporation created.

- Style.** "The Pennsylvania Agricultural Society," and by the said name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, any property of what nature or kind so ever, real, personal or mixed, and the same from time to time to sell, grant, demise, alien, or dispose of. And also to make and have a common seal, and the same to break, alter or renew, at pleasure, and to ordain and establish, and put in execution such bye-laws, ordinances and regulations as shall appear necessary and convenient for the good government of the corporation aforesaid, not being contrary to the constitution and laws of the United States or those of this Commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being and good management of the affairs of the corporation. *Provided*, That the clear yearly income of the whole estate of said corporation shall not at any time exceed the sum of fifteen hundred dollars.
- Powers and privileges.** **SECT. 2.** *And be it further enacted by the authority aforesaid.* That all the monies, property and effects, of what nature or kind soever, in any wise belonging to, or held and claimed by the aforesaid society, at the time of the passing of this act, shall be vested in the corporation hereby established.
- Proviso.** **SECT. 3.** *And be it further enacted by the authority aforesaid.* That the said corporation shall, on the second Saturday of January, yearly and in every year, elect by ballot and a majority of votes, one president, five vice presidents, twenty directors, one corresponding secretary, one treasurer, one recording secretary, and two assistant recording secretaries: *Provided*, That the persons who shall hold the said offices, at the time of the passing of this act, shall be and remain the officers of the society, until the second Saturday in January, in the year one thousand eight hundred and twenty-four: *And provided further*, That in case an election shall not have been held on the day directed by this act, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, within three calendar months thereafter, to hold and make an election of said officers, in such manner as shall have been provided by the bye laws of said society; and in case of any vacancy occurring in the respective offices aforesaid, such vacancy shall be filled at the next quarterly or stated meeting after it shall have occurred.
- Property, &c. of the society vested in the corporation.** **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the said society shall hold an annual meeting in every year on such days as they shall appoint by their bye laws for the purpose of an exhibition and cattle show, which meetings shall be held in the following order successively, to wit:—In Montgomery, Chester, Delaware and Philadelphia counties, at such places not less than ten miles distant from the city of Philadelphia, as shall be determined upon by a majority of the directors for the time being: *Provided*, Such exhibitions shall not be held in any of
- Annual elections for officers.**
- Proviso.**
- 2d Proviso.**
- Order in which annual exhibitions and cattle shows are to be held.**
- Proviso.**

the aforesaid counties, except those who contribute to the support of the society hereby incorporated, by paying the sum of fifty dollars per annum, for each representative they may be entitled to send to the House of Representatives of this Commonwealth.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the society hereby incorporated, shall be entitled to receive, annually, from the county commissioners of the city and county of Philadelphia, the counties of Chester, Montgomery and Delaware, out of the county taxes assessed and collected in said city and counties, the sum of fifty dollars for every member which the freemen of the said city and counties are or shall be entitled to elect to the House of Representatives of this Commonwealth, to be paid to the treasurer of said society, on warrants drawn by the commissioners thereof, on the treasurers of the city and counties; which monies, together with the sums which may be raised by annual subscriptions, after the necessary incidental expenses of the society shall have been defrayed, shall form a fund for the payment of such rewards and premiums as shall, by said society, be adjudged to the persons whose enterprise, skill and industry shall merit them: *Provided, always,* That the monies which are directed to be paid to the Philadelphia Society, for promoting agriculture, by the act entitled "An act for the promotion of agriculture and domestic manufactures," passed the sixth day of March, one thousand eight hundred and twenty, shall hereafter be paid to the society incorporated by this act, and not to the said Philadelphia Society as heretofore, any thing in the said act to the contrary notwithstanding.

Amount to be received by the corporation from the city and each county embraced by this act.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said society shall, at a stated general meeting, as early in each year as shall be convenient, fix and determine upon such objects as in their judgment are entitled to encouragement by rewards, and shall fix, ascertain and publish in such manner as shall be directed by their bye-laws, such rewards and the conditions whereon the same shall become due and payable, to the person or persons who by his, her or their skill and industry, according to such conditions, become entitled to the same. The directors, or a majority of them shall, at such times and places as the bye-laws shall prescribe, meet for the purpose of examining the proofs and specimens of the parties applying for such rewards, and shall have full power and authority to determine whether any or either of the applicants are entitled to the rewards so advertised, according to the conditions thereto annexed, and to draw orders which shall be signed by the president, or the treasurer for the amount of such rewards, in favor of the person or persons to whom the same shall have been adjudged, which orders the treasurer shall pay out of the monies in his hands, proceeding from the said taxes and subscriptions.

Of rewards.

Amount of rewards how paid.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the president, vice presidents, corresponding secretary, treasurer and directors shall severally subscribe a promise to be entered on the book of minutes of the society, that they and

Officers to subscribe a promise, &c.

Treasurer to
give bond.

each of them will well, truly and faithfully perform the duties of their respective offices, according to the best of their judgment and skill, without fee or reward, favor or partiality; and the treasurer, before he enters on the duties of his office, shall give bond with one or more sureties, in such penal sum as shall be required by the directors, conditioned for the faithful performance of the trust reposed in him, and for the payment of all monies that shall come into his hands belonging to the said corporation, to such person or persons as said directors may order, or to his successor in office.

Surplus monies how to
be employed.

SECT. 8 *And be it further enacted by the authority aforesaid,* That in case money may remain in the hands of the treasurer of said society after the payment of incidental expences and the rewards which may be adjudged as aforesaid, the said corporation shall have power to employ said monies in providing a place of deposit for the books and papers; and for such implements, models and specimens of various articles as they may think it proper to collect, and such as may be entrusted to their care.

Parts of the
acts of 6th
March, 1820,
and 13th
March, 1821,
repealed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That so much of the act entitled, "An act for the promotion of agriculture and domestic manufactures," passed the sixth day of March, one thousand eight hundred and twenty, as authorises the assessment, under provisions therein mentioned, of certain sums of money so far as the same may relate to the city and county of Philadelphia, the counties of Chester, Montgomery and Delaware, and the act supplementary thereto, passed the thirteenth day of March, one thousand eight hundred and twenty-one, as are hereby altered, be and the same hereby are respectively repealed, and whenever the county commissioners, of either of the counties of Chester, Montgomery and Delaware shall comply with the provisions of the eleventh section of this act, so far as the same relates to their respective counties, then so much of the said act of the sixth of March, one thousand eight hundred and twenty, as authorises the assessments, under provisions therein mentioned, of certain sums of money, be and the same is hereby repealed in such county, in which the provisions of the said eleventh section of this act are so as aforesaid complied with.

Penalty for
selling spiritous li-
quors at ag-
ricultural
meetings.

SECT. 10. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, if any person or persons shall bring any kind of spiritous liquors, cider or malt liquors for the purpose of retailing, giving away, or vending the same within the distance of two miles of the place where the agricultural meetings or exhibitions shall be held, except in stores or licenced taverns, he, she or they shall forfeit the liquors so brought or offered for sale; and on conviction before any justice of the peace of the proper county, shall pay a fine not exceeding ten dollars, for the use of the company incorporated by this act.

SECT. 11. *And be it further enacted by the authority aforesaid,* That this act shall have no force or effect, so far as it relates, to

the county of Delaware, until the commissioners of said counties shall express their assent thereto in writing, under their respective hands, to the president of, said society, nor shall the same have any force or effect so far as relates to the county of Chester, until the commissioners of said county and the officers of the Chester county agricultural society, shall express their assent thereto in the manner aforesaid; nor shall the same have any force or effect, so far as relates to the county of Montgomery, until the board of commissioners and two-thirds of the grand jury of Montgomery county shall express their assent thereto in the manner aforesaid. When this act shall go into effect in Delaware, Chester and Montgomery counties.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three,

JOSEPH HIESTER,

CHAPTER CXXXIV.

AN ACT

Directing the survey of a route for a canal between Lake Erie and French creek.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Forster, of Erie county, James Herrington, of Crawford county, and William Marks, Jr. of Allegheny county, be and they are hereby appointed commissioners to view and explore all the contemplated routes, for connecting the waters of Lake Erie and French creek, by canal and slack water navigation, and make report to the Governor, to be laid before the next legislature, particularly designating which of the said routes is most practicable and best calculated for public utility, accompanied with estimates of the probable expense of completing the same, the quantum of water at the summit level, and the number of locks necessary, with such topographical and other obser-

Commissioners appointed.

To report to the Governor, &c.

vations as may tend to elucidate the subject and enable the legislature hereafter to act with a full knowledge of all the necessary facts.

Compensation.

May employ an engineer, &c.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall be entitled to receive, respectively, two dollars per day for their services and travelling expenses, together with such other reasonable expenses as they may be at in the performance of the duties hereby assigned them, by the employment of an engineer and such other aid as they may find necessary to enable them to fulfil the object of this act, all which shall be settled by the auditor general and paid by the state treasurer: *Provided,* They shall not be allowed more than seventy-five cents per day for the proper number of axe men and chain carriers. And if a vacancy should happen, by refusal to serve, or otherwise, of either of the said commissioners, the remaining commissioner or commissioners shall appoint another to supply such vacancy or vacancies.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXXV.

AN ACT

To authorise Thomas Wm. Harper to convey two small parcels of land, situate on the Drift-Wood branch of the Sinemahoning, in the county of Clearfield.

WHEREAS, Thomas Wm. Harper and Sarah his wife, contracted for the sale of two parcels of land, in the county of Clearfield, the title for which was in the said wife. AND WHEREAS, the purchasers have paid a considerable portion of the pur-

chase money, and no deeds having been made in the lifetime of the said Sarah,

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the aforesaid Thomas Wm. Harper, be and he is hereby authorised to make good and sufficient deeds to the purchasers of said lands, which deeds, when so made, shall be as valid and have the same effect as if made by the said Sarah in her lifetime.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXXVI.

AN ACT

Relative to actions of ejectment.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all actions of ejectment now pending, or hereafter to be commenced in the courts of this commonwealth, by more than one plaintiff, if on the trial of the cause, any of the said plaintiffs shall fail to establish his, her or their right to recover. judgment of non suit may be entered against the plaintiff or plaintiffs so failing, and a verdict and judgment may be rendered in favor of the other plaintiff or plaintiffs, for the interest in the premi-

ses which they may be respectively entitled to recover in any such action.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXXVII.

A Further Supplement

To an act entitled "An act for taking lands in execution for the payment of debts, and for confirming partitions in several instances heretofore made.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where a sheriff or other proper officer has taken or shall take in execution, any lands, tenements or hereditaments in pursuance of the act to which this is a supplement, and has died or been removed, or the time of service for which he has been elected has expired, or shall die or be removed, or the time for which he is elected shall expire, before any sale made thereof, then, and in every such case, the same proceedings may or shall be had by the succeeding sheriff or other proper officer, on the execution or executions as aforesaid levied, that might, could or ought to have been had, if such former sheriff or other officer had not died or been removed, or the time for which he had been elected had not expired, which proceedings shall be held and adjudged as effectual in law, as if had before the death or removal of, or expiration of the time of service of the former sheriff or other officer.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXXXVIII.

AN ACT

Making appropriations to defray certain expenses of government therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the payment of the expenses hereinafter mentioned, the following sums are hereby appropriated: For clerk hire in the office of the secretary of the commonwealth, for one year, two thousand dollars. For clerk hire in the office of the auditor general, five hundred dollars in addition to the permanent appropriation of one thousand dollars, and the further sum of one hundred and twenty dollars for extra clerk hire for the last year, for Samuel Brenizer and Edward Markley. For clerk hire in the office of the state treasurer, three hundred and thirty-three dollars and thirty-four cents in addition to the permanent appropriation already authorised by law. For clerk hire in the office of the Secretary of the land office, for one year, commencing on the first day of April next, the sum of one thousand seven hundred dollars in addition to the permanent appropriation already authorised. For clerk hire in the office of the surveyor general, for one year, commencing on the first day of April next, the sum of five hundred and fifty dollars in addition to the permanent appropriation already authorised. And the clerk hire aforesaid shall be paid quarterly in the usual manner. For contingent expenses in the office of the secretary of the commonwealth, for one year, two thousand dollars, with authority to apply any surplus of the same which may remain to cover the deficiencies of last year's appropriation for that department. For the office of the secretary of the land office, for contingent expenses in for one year, seven hundred and fifty dollars. For the office of the surveyor general, for contingent expenses in for one year, including the expenses for the board of property, four hundred and fifty dollars. For contingent expenses in the office of the auditor general, one hundred and fifty dollars in addition to the permanent appropriation already authorised. And the sums hereby appropriated shall be paid by the state treasurer out of any monies in the treasury, previous to which the officers holding the aforesaid offices shall exhibit their accounts and vouchers for said expenditures to the accountant department, to be adjusted and settled.

Appropriation for clerk hire in the offices of secretary of commonwealth, Auditor General,

State Treasurer,

Sec. Land Office, and

Surveyor General.

How paid.

Contingent expenses for said offices.

Accounts to be exhibited.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first, day of March one thousand eight hundred and twenty-three.

CHAPTER CXXXIX.

AN ACT

Repealing the third section of an act entitled "An act authorising the election of additional constables, in different townships within this commonwealth."

Repeal as re-
lates to Bull-
skin town-
ship, in Fay-
ette county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act, passed the twenty-fourth day of February, one thousand eight hundred and twenty, as authorises the citizens of Bullskin township, in the county of Fayette, to elect an additional constable, be and the same is hereby repealed.

Repeal.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of any act, as is hereby altered or supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER

CHAPTER CXL.

AN ACT

To authorise Catharine Ilgenfritz, executrix of the last will and testament of Martin Ilgenfritz, to sell certain real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Catharine Ilgenfritz, executrix of the last will of Martin Ilgenfritz, late of Dover township, in the county of York, deceased, be authorised to sell and convey the real estate, which was of the said Martin Ilgenfritz, at his death, for the purpose of distributing to and among the heirs and legal representatives of

said deceased, the proceeds arising from such sale, according to the provisions and meaning of the said will, the said executrix giving security for the money arising from the sale, in such manner as the said orphans' court shall direct.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirty-first day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLI.

AN ACT

Making copies of certain documents, records, and papers, evidence in courts of justice.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That copies of all records, documents and papers, in the offices of the secretary of the commonwealth, secretary of the land office, surveyor general, auditor general, and state treasurer, when duly certified by the officers of the said offices respectively, shall be received in evidence in the several courts of this commonwealth, in all cases where the original records, documents and papers would be admitted in evidence: *Provided, however,* That in any judicial controversy, before any court of this commonwealth, either party may have the original record, documents or papers produced on the service of the proper process for that purpose.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLII.

AN ACT

To remove the obstructions at the entrance of the harbor of Presque Isle.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Forster, Robert Brown and Thomas Laird, all of the county of Erie, be and they are hereby appointed commissioners, who shall have power, and it shall be their duty, to cause to be removed the obstructions which impede or injure the navigation at the entrance of the harbor of Presque Isle, and for that purpose to employ suitable persons and provide the necessary materials for the prosecution and completion of the said work, at the entrance of said harbor, by narrowing the entrance and confining the channel, and by such other means as they shall judge best calculated to effect said object.

Commissioners appointed to remove obstructions, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the sum of ten thousand dollars is hereby appropriated to defray the expenses of removing said obstructions, and when the said commissioners shall have given bond, with sufficient sureties, to the Governor, for the faithful application of the said sum (which they are hereby required to do) he shall, on or at any time after the first Monday in October next, or as soon thereafter as required by the commissioners aforesaid, draw his warrant on the state treasurer, in favor of the said commissioners, for the sum of five thousand dollars, and, as soon as the said commissioners shall have expended the said sum of five thousand dollars, they shall exhibit a particular and detailed statement of the said expenditures to the county auditors of Erie county, who are hereby authorised and required to settle and adjust the same and satisfy them that the said sum has been faithfully expended in the prosecution of the said work, they shall make a report, under their hands, to that effect, to the Governor, who shall thereupon draw his warrant for the further sum of five thousand dollars, in favor of the same commissioners, for the same purpose, on or at any time after the first Monday of October, one thousand eight hundred and twenty four, and as soon as may be after the expenditure of the last mentioned sum, the same proceedings shall be had by the said auditors as is provided in the preceding part of this section; and the said commissioners shall, annually, in the month of December, furnish, on oath or affirmation, a particular statement and detailed account of all expenditures to the accountant officers of this commonwealth, who are hereby authorised and required to settle the same in the usual manner.

Ten thousand dollars appropriated
Commissioners to give bond.

When \$8000 shall be drawn.

Accounts how settled.

When the further sum of 5,000 shall be drawn.

Accounts to be furnished annually to accountant officers.

How money is to be laid out, &c.

SECT. 3. *And be it further enacted by the authority aforesaid.* That the commissioners in this act named, be and they hereby are authorised and required to lay out the monies by

them drawn, in removing the obstructions at the entrance of the harbor of Presque Isle, in manner aforesaid, to the best of their judgment; and they shall not, any of them, be concerned directly or indirectly, in their private capacity, in taking or receiving any profit, by reason of the exchange of any monies that they may receive by virtue of this act, nor in any contract relating to the said improvement, but all payments made in pursuance thereof shall be made in par money; and in the oath or affirmation directed to be made by the second section of this act, it shall be stated that the commissioners respectively have, to the best of their judgments and abilities, conformed to all the directions of this act.

Commissioners not to be engaged in their private capacities in taking any profit, &c.

SECT. 4. *And be it further enacted by the authority aforesaid* That in case of the death, resignation, inability or refusal to serve, of any or of either of the commissioners, the Governor is hereby authorised and required to appoint another commissioner or commissioners, in his or their stead, who shall give the same security and perform the same services as the commissioners named in this act.

Vacancies how supplied.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said commissioners shall each be entitled to receive one dollar and fifty cents per day for each and every day necessarily employed in performing the services enjoined on them by this act, to be paid out of the treasury of Erie county, on warrants drawn on the treasurer thereof in the usual manner,

Compensation to commissioners.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLIII.

AN ACT

For the relief of the German Congregation in Moore township, Northampton county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Secretary of the Land Office, be and he is hereby authorised to issue a patent, free of any charge, either for office fees or arrearages of purchase money, in the name of John Laup, Christian Shanaberger, Conrad Royer and Jacob Rush, trustees of the old German Congregation in Moore township, Northampton county, in trust for said Congregation, for a tract of land in Moors township aforesaid, containing seventy-six acres, or thereabouts, which tract was originally surveyed, upon application, number four hundred and seventy-eight, on the fifth of October, one thousand seven hundred and seventy-four, upon said tract.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLIV.

AN ACT

Authorising the governor to incorporate the president, managers and company of the Mountpleasant free road, in the county of Westmoreland.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Christian Brenniman, James Jones, Robert Stewart, James

Estep, John Lobingier, William Flin and Levi Fey, or any five of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter directed. that is to say, they shall, on or before the first day of November next, procure a book or books, and enter therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Mountpleasant Free Road Company the several sums annexed to our names, in such manner, at such times and in such proportions as the president and managers of the Mountpleasant Free Road company may direct, in pursuance of an act of the general assembly of this commonwealth, entitled "An act authorising the governor to incorporate the president, managers and company of the Mountpleasant Free Road, in the county of westmoreland," witness our hands the

day of _____ in the year of our Lord one thousand eight hundred and _____, and thereupon shall take such measures as to them shall appear proper, to procure subscriptions to the stock of said company from all persons who are free and of age, and the said books to keep open and procure stock from time to time, until a sufficiency shall be procured to accomplish the object contemplated in this act.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when twenty or more persons shall have subscribed three thousand or more dollars of the said stock, the said commissioners shall certify, under their hands and seals, the names of the subscribers and the amount each shall have subscribed, to the governor, and thereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of state, to create and erect the subscribers, and if the subscription shall not be sufficient at the time, then those who shall afterwards subscribe to the amount of six thousand dollars, into one body politic and corporate, in deed and in law, by the name, style and title of "The president managers and company of the Mountpleasant Free Road, in the county of Westmoreland."

SECT. 3. *And be it further enacted by the authority aforesaid*, That as soon as three thousand dollars shall have been subscribed and letters patent obtained, the commissioners shall give at least twenty days public notice, in one or more newspapers published nearest to the body of the subscribers, of a time and place of holding an election, when and where the subscribers shall proceed, between the hours of one and six o'clock, P. M. to elect by ballot one president, six managers, and one treasurer and such other officers as they may deem necessary, to conduct the business of said company, and shall and may make such bye-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth, as they shall judge necessary for the well ordering of the affairs of said company: *Provided*, That no person shall have more than five votes at any such election, and that every person shall have one vote for every ten dollars subscribed up to that number: *And provided further*, That all future elections shall be held on the second Monday of April of each

Commissioners named to receive subscriptions for stock.

Form of subscription.

Who may subscribe.

When letters patent may issue.

Whole number of shares.

Style.

When election shall be held and company organised.

Bye-laws.

Proviso.

2d Proviso.

and every year, the election to be held at such place as the president and managers may direct.

May enter upon lands and locate the road.

Route.

Dimensions and how to be made.

Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said president and managers, their superintendents, surveyors, engineers and agents shall be and they are hereby authorised to enter in and upon all inclosures, or wood land, in, over, or through which the said free road shall pass, or that it shall be thought proper to pass over and the same to examine and thereon shall locate a road according to the best of their judgment, beginning between the town of Mountpleasant and the house formerly occupied by James M-Kean, in the county of Westmoreland, and to intersect the Greensburg and Pittsburg turnpike road, between Hindman's and Steward's tavern, on said road, which said road shall be opened forty feet wide, at least twenty feet of which shall be made an artificial road of clay, stone, gravel or such other material as the president and managers shall think proper, so that the same, when completed, shall not exceed in ascent or descent five degrees from a horizontal line, and when said road shall be completed, shall forever be a free road: *Provided,* The owners of lands through which the said road shall pass shall have the same remedy as is provided in the general road laws of this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Jr.*
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLV.

AN ACT

Establishing and altering certain election districts.

A new election district erected in Luzerne county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of the township of Pittston, in Luzerne county, shall hereafter hold their general elections at the house now occupied by Calvin T. Richardson, in said township.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the electors of Upper Mahanoy township, in the county of Northumberland, shall hereafter hold their general elections at the house now occupied by Peter Brosius, in said township. Northumberland.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the electors of the township of Fairfield, in the county of Westmoreland, shall hereafter hold their general elections at the tavern house of Thomas Mylar, now in the tenure of Irvin Elliot, in said township. Westmoreland.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the township of Ligonier, in Westmoreland county, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the tavern house of Henry Reed, in Ligonier town, in said township. Ditto.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the electors of the township of Donegal, in Westmoreland county, shall hereafter hold their general elections at the house of Leonard Stahl, in Centerville, in said township. Ditto.

SECT. 6. *And be it further enacted by the authority aforesaid,* That those parts of the townships of Derry and Unity, in the county of Westmoreland, included in the following boundaries, shall hereafter form a separate election district, to wit. Beginning at the intersection of the Mountpleasant and the Hannahstown roads, between John McChesney and Samuel Lightcaps, in Unity township, thence eastward along the Hannahstown road through Derry township to the top of the Chesnut ridge, thence southward along the summit of said mountain by the line of Ligonier and Donegal townships to the old stage road, thence westwardly along said road to the house of Henry Graff in Unity township, thence by a straight line from said Graff's to the house of the widow Rings by the aforesaid Mountpleasant road and including said house, thence northward along said road to where it intersects the old Hannahstown road at the place of beginning; and the electors thereof shall hold their general elections at the tavern house of James Keenan, Esquire, now in the tenure of Peter Miller in Youngstown. Ditto.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the electors of the seventh election district in the county of Erie, who have heretofore held their general elections at the house of Andrew Elliot, in Harbour creek township, shall in future hold their said elections at the school house near to William Wilson's, in said township. Erie.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the electors of the fifth election district, in the county of Erie, shall in future hold their general election at the house of Major John Salisbury in Conniat township. Ditto.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the electors of the fourth election district, in the county of Erie, shall hereafter hold their general elections in the school house at the four corners in the township of Springfield. Ditto.

- Mercer.** **SECT. 10.** *And be it further enacted by the authority aforesaid,* That the electors of Wolf Creek township, in the county of Mercer, shall hereafter hold their general elections at the house now occupied by Charles Cunningham, in said township.
- Crawford.** **SECT. 11.** *And be it further enacted by the authority aforesaid,* That the electors of Venango township, in the county of Crawford, shall hereafter hold their general elections at the house now occupied by Robert Logan, in said township.
- Ditto.** **SECT. 12.** *And be it further enacted by the authority aforesaid,* That the qualified electors of Fallowfield township, in the county of Crawford, who have heretofore held their general elections at the house of Samuel Power, in Fairfield township, shall hereafter elect in their own respective township, at the place where the general elections are held for said township of Fallowfield.
- Ditto.** **SECT. 13.** *And be it further enacted by the authority aforesaid,* That all that part of Mead township, in the county of Crawford, lying east of a line beginning at the south-west corner of lot number fourteen hundred and ninety-three, in the seventh district of donation land, thence by a line running north to the north-west corner of lot number fifteen hundred and eleven in the same district, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Guy, in said district.
- Chester.** **SECT. 14.** *And be it further enacted by the authority aforesaid,* That the electors of West Fallowfield township, Chester county, shall hereafter hold their general elections at the public house now occupied by Samuel Futhy, in said township.
- Somerset.** **SECT. 15.** *And be it further enacted by the authority aforesaid,* That the electors of Conemaugh township, Somerset county, shall hereafter hold their general elections at the house now occupied by Peter Lehman, in said township.
- Susquehanna.** **SECT. 16.** *And be it further enacted by the authority aforesaid,* That the township of Lenox, in the county of Susquehanna, shall be a separate election district, and the electors thereof shall hold their general elections at the house of Henry Felton, junior, in said township.
- Ditto.** **SECT. 17.** *And be it further enacted by the authority aforesaid,* That the electors residing in the township of Harford, in the county of Susquehanna, shall hold their general elections hereafter at the house now occupied by Hosea Tiffany, in said township.
- Columbia.** **SECT. 18.** *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the electors of Hemlock township, in the county of Columbia, shall hold their general elections at the house now occupied by Vaniah Rees; in said township.
- Mifflin.** **SECT. 19.** *And be it further enacted by the authority aforesaid,* That Walker township, in the county of Mifflin, shall be a separate election district, and the electors thereof shall hold their

general elections at the public school house, in the town of Mexico, in said township.

SECT. 20. *And be it further enacted by the authority aforesaid,* That Lebanon township, in the county of Wayne, be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Seth Yale, in said township. Wayne.

SECT. 21. *And be it further enacted by the authority aforesaid,* That the electors of the district of Leighton, in the township of East Penn, in the county of Northampton, shall hold their general elections at the house now occupied by John Hagenbuch, in the township aforesaid. Northampton.

SECT. 22. *And be it further enacted by the authority aforesaid,* That the electors of the township of Plainfield, in the county of Northampton, shall be erected into a separate election district, and hold their general elections at the house now owned by George P. Dreisbach, in the township aforesaid. Ditto.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the electors of that part of Bethlehem township, lying on the east side of a road leading from the Dryland church to Jarrett's bridge, in the county of Northampton, shall hold their general elections at the court house, in the borough of Easton. Ditto.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the electors of the remaining part of Bethlehem township, not included in the two former sections of this act, and the electors of the township of Hanover and Lower Nazareth, in the county of Northampton, shall hold their general elections at the house now occupied by Daniel Dreisbach, in Bethlehem township. Ditto.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the town of Bethlehem, in Northampton county, within the following boundaries, viz: Beginning at the river Lehigh, at the fording place immediately above Jones' island, thence up the said river to the mouth of Manakopy creek, thence along said creek to the stone bridge at the Hanover township line; in Northampton county, thence along the upper road leading from Allentown to Easton, to the intersection of the road leading from Nazareth to Philadelphia, thence along the road last mentioned to the river Lehigh, the place of beginning, shall be erected into a separate election district, and the electors thereof hold their general elections at the public house now in the occupancy of Jacob Wolle, in the said town. Ditto.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the electors residing in Tioga township, in the county of Tioga, who formerly elected at the house of the late Thomas Berry, shall hold their general elections at the house now occupied by James Goodenich, in said township. Tioga.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the township of Welles, in the county of Bradford, shall be a separate election district, and the electors thereof shall hold their general elections at the house now occupied by John Os-Bradford.
good, in said township.

SECT. 28. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the citizens of the township of Mifflin, in the county of Dauphin, are hereby authorised to hold their general elections at the house now occupied by Michael Bressler, in the town of Berrysburg, in said township.

SECT. 29. *And be it further enacted by the authority aforesaid,* That the electors of the township of Ohio, in the county of Beaver, shall hereafter hold their general elections at the house lately occupied by James Duncan, deceased, in said township.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the fourteenth election district, composed of the township of Franklin, in the county of York, be re-annexed to the sixth election district, and that the electors of the said sixth election district shall hereafter hold their general elections at the house of George W. Howard, in the town of Dillsburg, in the said township of Franklin.

SECT. 31. *And be it further enacted by the authority aforesaid,* That the township of Paradise, in the county of York, be and the same is hereby erected into a separate election district, and the electors of the said township shall hereafter hold their general elections, in future, at the house of Henry Zeller.

SECT. 32. *And be it further enacted by the authority aforesaid,* That Venango township, Butler county, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house of John Pollock, in said township.

SECT. 33. *And be it further enacted by the authority aforesaid,* That the electors of Slippery Rock township, Butler county, shall hereafter hold their general elections at the house of John Mortland, in said township.

SECT. 34. *And be it further enacted by the authority aforesaid,* That the electors of the township of Covington, in the county of Clearfield, shall hold their general elections at the house of Jacob Mawrey, in said township.

SECT. 35. *And be it further enacted by the authority aforesaid,* That the electors residing in Gibson township, in the county of Clearfield shall hereafter hold their general elections at the house of Levi Hicks, in said township.

SECT. 36. *And be it further enacted by the authority aforesaid,* That the electors residing in Pike township, in the county of Clearfield, shall hereafter hold their general elections at the house of James Blair, in Curwenville, in said township.

SECT. 37. *And be it further enacted by the authority aforesaid,* That the twentieth section of an act passed the twenty-fourth day of March, one thousand eight hundred and eighteen, respecting election districts in East Nottingham township, in the county of Chester be and the same is hereby repealed.

SECT. 38. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, Milford township in the county of Bucks, formerly a part of the second dis-

trict, be and the same is hereby erected into a separate election district, to be called the twenty-eighth district, and the electors thereof shall hold their general elections at the house now occupied by Jacob Kram, in Trumbowersville, in said township.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the electors of the township of Upper Chichester, in the county of Delaware, shall hereafter hold their general elections in the borough of Chester, at the place of holding the general elections of the first district in said county.

Delaware.

SECT. 40. *And be it further enacted by the authority aforesaid,* That Peters township, in the county of Washington, be and the same is hereby erected into a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by David Bowers, in said township.

Washington.

SECT. 41. *And be it further enacted by the authority aforesaid,* that the township of Springville, in the county of Susquehanna, shall be a separate election district, and the electors thereof shall hold their general elections at the house of Spencer Hickox, in said township.

Susquehanna.

SECT. 42. *And be it further enacted by the authority aforesaid,* That the township of Auburn, in the county of Susquehanna, shall be a separate election district, and the electors thereof shall hold their general elections at the house of George Haverly, in said township.

Ditto.

SECT. 43. *And be it further enacted by the authority aforesaid,* That the electors of Liberty township, in the county of Columbia, shall hereafter hold their general elections at the house now occupied by Henry Gibson, in said township.

Columbia.

SECT. 44. *And be it further enacted by the authority aforesaid,* That the electors of Centre township, in the county of Greene, shall hereafter hold their general elections at the house now occupied by Isaac Ross, in said township.

Greene.

SECT. 45. *And be it further enacted by the authority aforesaid,* That so much of the act passed the second day of April, eighteen hundred and twenty-two, as relates to the erection of Stoney creek township, in the county of Somerset, into a separate election district, be and the same is hereby repealed; and the first and second sections of an act altering and erecting certain election districts in the county of Somerset, passed the seventh day of January, eighteen hundred and four, be and the same is hereby revived and continued in full force.

Somerset.

SECT. 46. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the township of Clearfield, Cambria county shall be a separate election district, and the electors thereof shall hereafter hold their general elections at the house now occupied by John Nagel, in Clearfield township aforesaid.

Cambria.

SECT. 47. *And be it further enacted by the authority aforesaid,* That the township of Middlebury, in the county of Tioga, be and is hereby created a separate election district, and that the elect-

Tioga.

ors thereof shall hold their general elections at the house of Benjamin Kelsey, in said township.

Centre. **SECT. 48.** *And be it further enacted by the authority aforesaid.* That the electors of the township of Potter, in the county of Centre, shall hereafter hold their general elections at the house now occupied by Abraham Biddle, in said township.

Tioga. **SECT. 49.** *And be it further enacted by the authority aforesaid.* That the electors residing within the township of Covington, in the county of Tioga, shall hereafter hold their general elections at the house of Pliny Bower, in said township.

Erie. **SECT. 50.** *And be it further enacted by the authority aforesaid.* That the electors of the sixth election district, in the county of Erie, composed of the township of Waterford and Labaëuff shall after the passing of this act, hold their general elections in the building erected for an academy in the town of Waterford.

Fayette. **SECT. 51.** *And be it further enacted by the authority aforesaid.* That Luzerne township, in Fayette county, be and the same is hereby erected into a separate election district, and the electors of said township shall hold their general elections at the house now occupied by Joshua Corey, in the said township.

Berks. **SECT. 52.** *And be it further enacted by the authority aforesaid.* That the electors of the township of Upper Bern, in the county of Berks, shall hereafter hold their general elections at the house occupied by Samuel Waggoner, in said township.

Ditto. **SECT. 53.** *And be it further enacted by the authority aforesaid.* That the electors of the township of Richmond, in the county of Berks, shall hereafter hold their general elections at the house of Thomas Dumm, now occupied by David Moyer, in the said township.

Ditto. **SECT. 54.** *And be it further enacted by the authority aforesaid.* That the electors of the township of Douglass, in the county of Berks, shall hereafter hold their general elections at the house now occupied by John Zieber, in the said township.

Greene. **SECT. 55.** *And be it further enacted by the authority aforesaid.* That the township of Monongahela, in the county of Greene, shall be a separate election district, and the qualified citizens thereof shall hold their general elections at the house now occupied by William Markell, in the town of Greensburg.

Washington. **SECT. 56.** *And be it further enacted by the authority aforesaid.* That the township of Anwell, in the county of Washington, be and the same is hereby formed into a separate election district and the qualified electors thereof shall hold their general elections at the house now occupied by John Horn, Senior, in said township.

Venango. **SECT. 57.** *And be it further enacted by the authority aforesaid.* That the townships of Elk creek, Paint creek and Pine Grove, in Venango county, be and the same hereby are erected into a separate election district, and the electors thereof shall hold their general elections at the house of Frederick Kahle, in Shippenville, in Elk creek township aforesaid.

SECT. 58. *And be it further enacted by the authority aforesaid,* That in the county of Chester, the following election districts are hereby established, to wit: The township of Charlestown shall be a separate district, and the general elections held at the house now occupied by Robert Boyle. The townships of Westown, Thornbury and Birmingham shall be a separate district, and the general elections held at the house now occupied by Thomas Darlington, in Westown township. And the township of Upper Oxford shall be a separate district, and the general elections held at the house now occupied by Jacob Hopple, in said township. Chester.

JOSEPH LAWRENCE, *Speaker*
of the *House of Representatives.*

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLVI.

AN ACT

Authorising the Governor to obtain money on loan, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorised and required to renew the loans with the Pennsylvania Bank, as they shall severally fall due in the course of the present year, at an interest not exceeding six per cent. per annum, and the faith of the commonwealth is hereby pledged for their redemption within four years, and in such instalments as shall be agreed on by the parties. Governor authorised to renew loans with the bank of Pennsylvania.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor be and he is hereby authorised and required to obtain on loan, from the Philadelphia Bank, the sum of one hundred thousand dollars, at an interest not exceeding five per cent. per annum, whenever, in his opinion, the exigencies of Also with the Philadelphia bank.

the state may require, and the faith of the commonwealth is hereby pledged for the redemption of the same, within one year from the date of such loan.

Further loan
of \$150,000
authorised.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the Governor be and he is hereby authorised and required to obtain on loan such additional sums as may be found necessary to meet the demands on the treasury, during the present year, not exceeding in all the sum of one hundred and fifty thousand dollars, at an interest not exceeding six per cent. per annum, and the faith of the commonwealth is hereby pledged for the redemption of the same, within four years, and in such instalments as shall be agreed on by the parties.

Report to be
made to the
legislature.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Governor to make report to the next legislature, of his proceedings under this act.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLVII.

AN ACT

To improve the navigation of the Susquehanna river.

\$50,000 ap-
propriated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the sum of fifty thousand dollars be and the same is hereby appropriated for the purpose of improving the navigation of the Susquehanna river, between the town of Columbia and the line between Pennsylvania and Maryland, in the manner hereinafter provided.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Jabez Hyde, Junr. of Susquehanna county, John M'Meens of Lycoming county, Samuel H. Wilson of Northumberland county, be and they are hereby appointed commissioners to explore the Susquehanna river from Columbia to tide water, and are authorised to employ and take to their assistance, as many experienced water-men or pilots as they may consider necessary, to enable them to ascertain the best channel to be improved so as to make the navigation of the said river as safe, convenient and easy as may be found practicable, who shall be allowed a reasonable compensation for their services, to be paid by said commissioners out of the sum appropriated by the first section of this act, and the commissioners aforesaid shall severally be allowed two dollars and fifty cents for each and every day necessarily spent by them in the discharge or the duties imposed on them by this act, to be paid out of the appropriation aforesaid.

Commissioners appointed to explore the river.

May employ water-men or pilots.

Their compensation.

Compensation of commissioners.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners before entering upon the duties assigned them by this act, shall respectively take and subscribe an oath or affirmation before some competent authority, to perform the duties imposed on them by this act with fidelity, and shall give bond to the commonwealth in a sum equal to the aforesaid appropriation with sufficient sureties, to be approved of by the governor conditioned for the faithful performance of all the duties required of them by this act, which bond together with a copy of the oath or affirmation shall be filed in the office of the auditor general of this commonwealth.

Commissioners to be under oath.

And give bond to the commonwealth.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners aforesaid on the thirty-first day of December, in each and every year in which they shall act in pursuance of their appointment, or within ten days thereafter to make out and exhibit a fair statement of the monies received and expended by them in said improvements during the current year, to the auditor general, duly attested to under oath or affirmation by said commissioners, and the auditor general is hereby authorised to settle and adjust the same.

Statement of monies received and expended to be exhibited annually to the auditor general.

SECT. 5. *And be it further enacted by the authority aforesaid,* That whenever the commissioners aforesaid shall have performed the duties enjoined on them by the third section of this act, they shall proceed to lay out the monies herein appropriated as soon as the state of the river will admit for the improvement of the navigation as aforesaid, by removing dams, rocks, timber, bars and gravel, or other obstructions from the bed, and deepening the channel of said river, and by confining the water within smaller bounds where the same may be practicable and required making a channel of at least fifty feet in width, and the said commissioners are hereby authorised to make contracts for the purpose of making said improvements, and to take such other measures to lay out said appropriation in an economical manner best calculated to attain the object of said appropriation, and the

When commissioners shall proceed to lay out the monies.

Mode of improving the navigation.

When governor shall draw warrants.

Proviso.

2d Proviso.

3d Proviso.

\$5,000 to be expended on a certain part of the river.

Statement of proceedings to be filed with the sec. of commonwealth, annually.

Copies of which to be laid before the legislature.

Maryland appropriation authorised to be expended on the Susquehanna, within the limits of this state.

Governor is hereby authorised and required, when the conditions contained in the third section of this act are complied with, to draw his warrant or warrants, from time to time, on the state treasurer, in favor of the said commissioners, as he may deem prudent and necessary for the safety of the public interest and the progress of said improvements, until the amount of said appropriation shall be exhausted: *Provided*, That those drafts, in favor of the commissioners, shall not, at any time, exceed two thousand dollars, in advance, of the labor actually done in said improvements: *And provided, also*, That the said commissioners, or either of them, shall not, directly or indirectly, be interested in their private capacities, in any contract made by virtue of this act: *Provided*, That the sum to be drawn annually by the said commissioners shall not exceed ten thousand dollars.

SECT. 6. *And be it further enacted by the authority aforesaid*, That three thousand dollars of the sum appropriated in the first section of this act, be and the same is hereby appropriated for the purpose of improving the navigation of the Susquehanna river, from Vinegar's ripples to the main channel, at or near Turkey Hill falls, along the shore of York county.

SECT. 7. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commissioners, appointed as aforesaid, to make out and file in the office of the secretary of this commonwealth, on or before the first day of December, in each and every year, after they shall have entered upon the duties of their appointment, a full and complete statement of their proceedings during the preceding year, under their hands and seal, stating the amount of their receipts and expenditures, and the progress of their improvements, as also their views of the measures they may deem expedient to pursue, in regard to the future improvement of said navigation; and the secretary of the commonwealth shall, within six days after the receipt of the report of the commissioners, in each and every year, lay a copy thereof before both branches of the legislature, if in session, or within four days after their next meeting.

SECT. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the commissioners, appointed by virtue of an act of the legislature of the state of Maryland, passed at December session, one thousand eight hundred and twenty-one, entitled "An act for the improvement of the navigation of the river Susquehanna," to apply all or any part of the monies appropriated by the said act, which they may deem expedient and proper, to the improvement of the navigation of the said river, within the limits of this state, in conjunction with the commissioners appointed by this act, who are hereby authorised to unite with them in applying the foregoing appropriation to the removal of obstructions in the said river, and rendering the navigation thereof permanently safe and convenient.

SECT. 9. *And be it further enacted by the authority aforesaid*, That when any vacancy occurs by the death, resignation

or refusal to serve, of any of the commissioners aforesaid, the Governor is hereby authorised and required to fill such vacancy, by the appointment of a suitable person or persons, in lieu of the commissioner or commissioners so dying, resigning or refusing to serve. And the commissioners so appointed, shall be required to perform all the duties, shall have the like powers and authority, receive the same compensation, and be subject to the same regulations, as are provided and contained in this act, relative to the commissioners herein appointed.

Vacancies
the office of
commission-
ers how sup-
plied.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLVIII.

AN ACT

To incorporate a company to erect a rail road from Philadelphia to Columbia, in Lancaster county.

WHEREAS, it hath been represented by John Stevens, in his memorial to the legislature, that a rail road from Philadelphia to Columbia would greatly facilitate the transport between those two places, suggesting also that he hath made important improvements in the construction of rail ways; and praying that in order to carry such beneficial purposes into effect, himself and his associates may be incorporated; now,

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Connelly, Michael Baker, of Arch street, Horace Binney, Stephen Girard, Samuel Humphreys, of Philadelphia, Emmor Bradley, of Chester county, Amos Ellmaker, of Lancaster city, John Barber and William Wright, of Columbia, be and

Corporation
created..

Authority to erect a rail road under the direction of John Stevens.

Power to erect works, edifices, &c.

Mode of proceedings when entry upon lands is issued, and when parties cannot agree upon the compensation to be made for damages.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the company hereby incorporated, to make, erect and establish a rail road on the route laid out as aforesaid, to be constructed on the plan and under the superintendence and direction of the said John Stevens; the said rail road in its progress shall, in no part of it, rise above an angle of two degrees with the plain of the horizon; and said company are also hereby empowered to erect, make and establish all works, edifices and devices to such rail road as may by the said company be deemed expedient for the purposes of carrying into effect the objects of their incorporation, and also to contract and agree with the owner or owners for the purchase of any lands or tenements, which may be necessary for the purpose of erecting the said rail road.

SECT. 7. *And be it further enacted by the authority aforesaid,* That whenever it shall be necessary for the president, directors and company of the said rail road company, to enter in and upon and occupy, for the purpose of making said rail road, any land upon which the same may be located, if the owner or owners of the said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury, or supposed injury, that may be done to said land, by such entry and occupation, it shall and may be lawful for the parties, to appoint six suitable and disinterested persons, to estimate such damage, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and the expenses incurred by the said appraisers, shall be defrayed by the said rail road company: But if the parties cannot agree upon such persons, or if the persons, so chosen, shall not decide upon the matter, or if the owner of such land shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of common pleas of the county in which the land lies, on application of either party, and at the cost and charges of the said corporation, to award a venire, directed to the sheriff of the county, requiring him to summon a jury of disinterested men to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damage, if any, that in their apprehension will be sustained, as aforesaid, by reason of said rail road, and report the same, under their oaths or affirmations, to the said court, which report being confirmed by the said court, judgment shall be entered thereon; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, to be paid by said company. And it shall be the duty of the appraisers, or jury, as the case may be, in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of the said lands, from the said rail road: *Provided,* That either party may appeal

to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the coming in of such report or inquisition, and the confirmation thereof, upon final judgment, on appeal therefrom, and the said company paying to such owner the sum in such report or judgment specified in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands, which the owner held in the same, and they, and all who act under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*. That the payment of damages aforesaid for land through which the said road may be laid, shall be made before the said company, or any person under their direction, or in their employ shall be authorised to enter upon and break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner of such land be first obtained.

Proviso allowing the right of appeal.

2d Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That the said rail road shall be so constructed by the said company as not to obstruct or impede the free use and passage of any public road or public roads, whether they be state, turnpike, or county, which may cross or enter at the same, being now laid out or hereafter to be laid out, and in all places where the said rail road may cross or in any way interfere with any public road, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public road, to cross and pass over the said rail way, which causeway or causeways shall be made and maintained by the said company, and the sufficiency of the same shall be judged by the supervisors of the proper township at the expense of the said company. And if the said company shall refuse or neglect to make such causeway or causeways, or where made to keep the same in good repair when required by the party or parties interested, they shall be liable to pay a penalty of ten dollars for every day the same shall be so neglected or refused to be made or repaired, to be recovered by the supervisors of the township, or by the turnpike companies, as the case may be, with costs, for the use of the township or of such companies as debts of like amount are by law recoverable, and shall moreover be liable to an action or actions at the suit of any person who may be aggrieved thereby. And the service of process upon any officer or agent of said company shall be as good and as available in law as if served upon the president thereof.

How rail road shall be constructed where any public road crosses the same.

Penalty for refusing to make causeways.

Of the service of process.

SECT. 9. *And be it further enacted by the authority aforesaid*, That for the accommodation of all persons owning or possessing land through which the said rail road may or shall pass, and to prevent inconvenience to such persons in crossing and passing over the same, it shall be the duty of the said company, when required, to make or cause to be made a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass

Causeways to be made for the accommodation of persons owning land, &c.

Proviso.

Penalty on refusing to make such causeways.

Time within which suits for penalties shall be brought.

General issue may be plead, &c.

Accounts to be rendered quarterly by John Stevens, to the company.

Compensation to superintendent.

Capital to consist of the sum actually expended.

Transportation to be under the direction of John Stevens, &c.

Rate of freight.

over the same with wagons, carts, and implements of husbandry, as occasion may require: *Provided*, That the said company shall in no case be required to make or cause to be made, more than one such causeway through each plantation or lot of land, for the accommodation of any one person, owning or possessing land through which the said rail road may or shall pass. And if the said company shall refuse or neglect to make such causeway or causeways, or when made, to keep the same in good repair, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person in consequence of such refusal or neglect, to be sued for and recovered before any magistrate or any court having cognizance thereof, and the service of process upon any officer or agent of said company shall be as good and as available in law as if served upon the president thereof.

SECT. 10. *And be it further enacted by the authority aforesaid*, That no suit or action shall be brought or prosecuted by any persons or person, for any penalties incurred under this act, unless such suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action shall have accrued. And the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECT. 11. *And be it further enacted by the authority aforesaid*, That the said rail road shall be constructed agreeably to the plan and under the superintendence and direction of the said John Stevens, or his legal representative or representatives, he or they rendering, quarterly, to the president and directors of said company, exact and true accounts of all the expenditures incurred in constructing the same; and for his or their trouble and expenses, he or they shall be paid such compensation for each and every day he or they may be employed in superintending and directing the construction of said rail road, as the said president and directors may deem reasonable and proper.

SECT. 12. *And be it further enacted by the authority aforesaid*, That on the completion of said rail road, the president and directors are hereby required to ascertain precisely the amount of the sum total of expenses incurred in the construction of the same, and said sum total shall constitute the existing capital of said rail road company.

SECT. 13. *And be it further enacted by the authority aforesaid*, That on the completion of the said rail road, all transportation on the same, of whatsoever nature or kind, shall be carried on and conducted by and under the superintendence and direction of the said John Stevens, or of his legal representative or representatives; and it shall and may be lawful for the said John Stevens and his legal representative or representatives, to charge and receive for freight, on and for the transportation of goods, wares and merchandise, at a rate not exceeding seven cents per mile, on each and every ton weight thereof passing westward; and three and a half cents per mile on each and every ton

weight thereof passing eastward, on the said rail road; but on all single and detached articles, weighing less than a ton, it shall and may be lawful to charge and receive, on the transport of the same, an advance not exceeding twenty per cent. on the rates as above established.

SECT. 14. *And be it further enacted by the authority aforesaid;* That the said John Stevens, or his legal representative or representatives, shall render, quarterly, to said president, directors and company, an exact and true account of all receipts of monies and of all the current expenses incident to said rail road, and the transport thereon, during said quarter, and pay the nett profits to the president, directors and company of the said rail road company, and thereupon the said president shall proceed to ascertain the amount of the surplus monies, if any, and after calculating the per centage said surplus will pay on the capital of said rail road stock, a dividend to each share shall be struck and the same shall be paid within ten days after the expiration of each and every quarter, to each and every of the stockholders: *Provided, nevertheless,* That such quarterly per centage on said capital shall never exceed three per cent. and should, at any time, the surplus of the receipts, over and above the current expenses, amount to more, whatever it may or shall be, it shall be retained by the said John Stevens, or by his legal representative or representatives, and the said John Stevens, and his legal representative or representatives, shall be exonerated from all further accountability respecting said residue of said receipts, whenever any may be, after the payment, as aforesaid, of three per cent. quarterly on said existing capital; but should, in the course of any one year, no such residual surplus, as above mentioned, accrue, then, and in every such case, the said John Stevens, or his legal representative or representatives, shall be paid such compensation for his or their services, during each year, as may be agreed upon by the said John Stevens, or his legal representative, and the said president, directors and company of the said rail road company: *Provided,* That it shall at all times be lawful for the said president, directors and company to demand from the said John Stevens, his legal representative or representatives, security for the regular payment of the money which the said company may be entitled to receive from him, under the provisions of this act, the amount and sufficiency of which security, in case of disagreement by the parties, shall be judged of by the judges of the supreme court, and on failure of the said John Stevens, his legal representative or representatives, to give such security, within three months after requisition made, it shall be lawful for the said president, managers and company to appoint some other suitable person or persons to collect and receive the tolls or freight, authorised to be collected and received under the fourteenth section of this act, by the said John Stevens, or his legal representative.

Account of receipts and expenses to be made quarterly.

When dividends shall be declared.

Proviso.

2d Proviso

SECT. 15. *And be it further enacted by the authority aforesaid;* That if any person or persons, shall wilfully and knowingly

Penalty for
injuring road
or works.

break, injure or destroy the rail road, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company, in pursuance of this act, he, she or they shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered, with costs of suit, by action of debt, in the name and for the use of the said company.

Of calling in
instalments.

SECT. 16. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the president and directors, to call and demand from the stockholders respectively, all such sum or sums of money, by them subscribed, at such time or times, and in such proportion, as they shall see fit, under pain of forfeiture of their shares, and all previous payments thereon, to the said company.

Conditions of
this charter.

SECT. 17. *And be it further enacted by the authority aforesaid*, That if the said corporation shall not carry into effect the objects of this charter within the term of ten years from the passing of this act, or if, after the completion of the said rail road, the said corporation shall suffer the same to go to decay and be impassable, for the term of two years, then this charter shall become null and void, except so far as compels said company to make reparation for damages.

Shares to be
considered as
personal
property.
Proviso.

SECT. 18. *And be it further enacted by the authority aforesaid*, That the shares in said rail road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors may appoint: *Provided*, also, That nothing in this act contained, shall be construed to authorise the said company to employ their funds, or any part thereof, for any other purpose than that contemplated by this act.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CXLIX.

AN ACT

Authorising the orphans' court, of the county of Adams, to appoint trustees under the last will and testament of Charles Stewart.

WHEREAS, Charles Stewart, of the borough of Gettysburg, in the county of Adams, by his last will and testament, devised certain estate real and personal to several persons and their heirs in trust, without designating any mode by which, in case of the death or resignation or removal from the state of any of said trustees, others might be appointed in their stead.

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in case the trustees, or either of them, appointed by the last will and testament of Charles Stewart, of the borough of Gettysburg, should after the passage of this act, die, resign, refuse to act, or remove from the state, then, and in such case, it shall and may be lawful for the orphans' court of the county of Adams, on application duly made by all the parties interested, or their legal representatives, to nominate and appoint some suitable person or persons trustees under the will and testament aforesaid, in the place and stead of the trustee or trustees so dying, resigning, refusing to act, or removing, which said trustee or trustees shall have all and singular the powers and authorities given by the said will to the trustees therein named: *Provided*, That the trustee or trustees to be appointed as aforesaid shall, before exercising any of the powers by this act conferred, file in the office of clerk of the orphans' court of said county, security satisfactory to said court for the faithful performance thereof.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CL.

AN ACT

For the relief of James Duffy, a contractor for making the Hanover and Carlisle turnpike road.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be the duty of the treasurer for the time being, of the president, managers and company of the Hanover and Carlisle turnpike road company, at least four times in each year, to pay into the court of common pleas of Adams county, on or before the third day of each regular term of said court, the whole amount of tolls collected on the first fifteen miles of the said road, commencing at the town of Hanover and proceeding in the direction to Carlisle, excepting only the sums which shall have been paid to the several officers and toll gatherers of said company, as their salaries or compensation for discharging the several duties appertaining to their respective offices, one half whereof shall be paid out of the tolls arising from the first section of fifteen miles and the other half out of the tolls accruing from the remaining section of fifteen miles, and excepting also the amount actually expended on the said road in making the necessary repairs thereof; which together, shall not at any time exceed the one-fourth part of the amount of tolls received. And at the time of the payment of the said tolls into court, an account, verified by the oath or affirmation of the said treasurer, of the amount of said tolls collected, so far as the same shall have come to his knowledge, with a detailed statement of the sums so paid to the several officers and toll gatherers and of the amount which shall have been expended in the repairs of the road as aforesaid, shall be filed in the said court. And it shall be the duty of the several toll gatherers, on the first fifteen miles of the said road, within the same period, to file, in the same court, their affidavits, stating the amount of tolls by them respectively collected; and upon the neglect of the said treasurer and toll gatherers or any of them, to perform the said duties within the time so limited, the said court may, upon the application of James Duffy, of Lancaster county, who contracted for and finished the said road, and who is a judgment creditor of the said company, on the fourth day of the term, or at any time afterwards, make an order on such treasurer or toll gatherer to comply with the provisions of this act on or before a day certain in the first order to be specified, and if such treasurer or toll gatherer shall, after having received ten days notice of such order, neglect or refuse to comply with the same, the said court shall enforce a compliance therewith by attachment as in other cases of contempt of court.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said court, from time to time,

Duty of the treasurer of the Hanover and Carlisle turnpike road company.

Duty of toll gatherers.

Proceedings if the treasurer and toll gatherers neglect their duty.

to pay over the monies which shall so as aforesaid be paid into court to the aforesaid James Duffy, until the amount of debt and interest on two judgments, one for the sum of eight-hundred and seventy five dollars and twenty cents, and the other for the sum of three thousand dollars, which are entered up by the said James Duffy against the president, managers and company, of the Carlisle turnpike road, in the court of common pleas of Adams county, to April term one thousand eight hundred and nineteen, numbers seventy-eight and seventy-nine, be fully paid and satisfied.

Court to pay over monies to James Duffy until the amount of his demand be paid and satisfied.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if at any time hereafter complaint should be made by the president and managers of the said turnpike road company to the court of common pleas of Adams county, setting forth that the one-fourth part of the tolls collected on the first fifteen miles of the said road has been found insufficient to keep that part of the said road in repair, then, and in that case, it shall be the duty of the said James Duffy to keep the section of the road aforesaid in good and sufficient repair out of the tolls which he shall receive by virtue of the preceeding sections of this act, and to secure the proper preservation of the said section of road, the said James Duffy shall enter into bond, for the use of all persons interested therein, with one or more sufficient securities, to be approved of by the said court, conditioned that he the said James duffy shall keep and maintain the said section of road in good and sufficient preservation and repair.

When and in what case James Duffy shall keep the road in repair.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives,
WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLI.

AN ACT

Authorising Maxwell Kennedy, trustee of James Kennedy, who is non compos mentis, to convey a certain lot of land, to authorise Josiah Wright, and others, to convey a certain trust estate, and to authorise Francis Scott to convey a tract of land, of which Francis Armstrong died seized, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

Maxwell Kennedy, authorised to convey a certain lot of land.

That Maxwell Kennedy be and he is hereby authorised to make a sufficient deed, or title of conveyance, for a lot of land, the property of James Kennedy aforesaid, containing one acre, situate on the west side of the Newport turnpike road, and adjoining lands of Amos Slaymaker, unto the trustees, or persons who may be elected trustees, and to their successors, in trust for the Presbyterian congregation of Belleview church, in Salisbury township. Lancaster county, for the sole purpose of erecting a house thereon for religious worship.

Josiah Wright, et al. authorised to convey a certain trust estate.

SECT. 2. *And be it further enacted by the authority aforesaid*, That Josiah Wright, who survived Zebulon Butler, (as trustees,) and Robert Lewis and Sarah his wife, be and they are hereby authorised to sell and convey away to a *bona fide* purchaser or purchasers, for a valuable consideration, in fee simple, or for any less estate, a certain tract or parcel of land, situate in the township of Wilkesbarre, in the county of Luzerne, containing one hundred and twelve acres, more or less, which said tract of land is held by a deed of trust to Zebulon Butler, since deceased. and Josiah Wright, as above mentioned, and their heirs forever, for the use and benefit of the said Sarah Lewis, and her heirs.

Francis Scott authorised to convey a certain tract of land.

SECT. 3. *And be it further enacted by the authority aforesaid*. That Francis Scott, grand-son of Francis Armstrong, deceased, is hereby authorised and empowered to sell and convey, in fee, a certain plantation and tract of land in York county, called "Garter's Hill," not far from "Peach Bottom Ferry," of which the said Francis Armstrong died seized, and apply the monies arising therefrom to the use set forth in the will of said deceased: *Provided*. That the said Francis Scott, shall enter into a recognizance, with one sufficient security, in the orphans' court of York county, for the faithful discharge of the trust herein granted, previous to the sale of the said property.

Executors of John Markley, dec'd. authorised to sell a certain messuage and lot of ground.

SECT. 4. *And be it further enacted by the authority aforesaid*, That Andrew Markley, Benjamin Markley and Abraham Markley, executors of the last will and testament of John Markley, late of New Hanover township, in the county of Montgomery, deceased, or the survivors or survivor of them, be and they are hereby authorised and empowered to convey, in fee simple, unto John Kurtz, of the county of Montgomery, all the right, title and interest of the said John Markley, deceased, to a certain messuage and lot of ground, containing twelve acres, more or less, with the appurtenances, situate in the township of Lower Providence, in the county aforesaid. whereof the said John Markley died seized, as of fee: *Provided*. That the said executors shall enter into a recognizance in the orphans' court of Montgomery county, with sufficient sureties, to the satisfaction of

Proviso.

the said court, for the faithful appropriation of the purchase money, according to the intestate laws of this commonwealth.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLII.

AN ACT

For the relief of Tacy Coates.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right, title, interest, claim and demand of this commonwealth, of, in and to the estate of Sally Ann Coates, alias Sally Ann Rositer, the illegitimate daughter of Ann Coates, late of Charlestown township, Chester county, deceased, who died without heirs, be and the same is hereby vested in Tacy Coates, her heirs and assigns forever: *Provided,* That nothing herein contained shall, in any wise, prejudice the rights of individuals, or impair any other title to the said estate than that which the commonwealth has or might have acquired by escheat.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLIII.

A Supplement

To the act entitled, "An act for the improvement of the state."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Shall, Jacob Shelly and John Krater, or any two of them, be and they are hereby appointed commissioners to do and perform the several duties required of the commissioners mentioned in the sixty-fifth section of the act entitled, "An act for the improvement of the state," passed the twenty-sixth of March, one thousand eight hundred and twenty-one, who shall, before they enter upon the duties required of them by this act, enter into bond with security to the commonwealth, agreeably to the directions of the seventy-fourth section of the said act, and shall take an oath or affirmation before one of the judges of any court of common pleas of this commonwealth, that they will faithfully, impartially, and to the best of their judgment, perform the duties required of them by this act, and the act to which this is a supplement; and their accounts shall be settled and adjusted by the court of quarter sessions of Schuylkill county, agreeably to the directions of the section last aforesaid. And each of the said commissioners shall receive one dollar and fifty cents per day, for every day necessarily spent by them in performing the duties enjoined on them by this act, to be paid out of the county treasury of said county.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners are hereby authorised to make such alterations in shortening and improving the course and route of the state road, in the sixty-fifth section of the said act mentioned, laid out from Orwigsburg to the permanent bridge over the Susquehanna at the falls of Nescopeck, or to cause the same road to intersect the contemplated turnpike road from the said bridge to the mouth of Mill creek, at such point as they shall deem most expedient and advantageous to the community: *Provided,* That no part of the said road, when made, shall have an elevation or depression exceeding five degrees, varying from a horizontal line.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the commissioners mentioned in the sixty-fifth section of the act aforesaid shall and they are hereby required and directed to pay to the said John Shall, Jacob Shelly and John Krater, or any two of them, the sum of two thousand dollars, which was drawn by the said commissioners out of the treasury of this commonwealth in pursuance of the said sixty-fifth section of the said act, and if the said commissioners shall neglect or refuse to pay over the said two thousand dollars, upon demand made by the said John Shall, Jacob Shelly and John Krater, or any two of them, they or any of them, shall in their own names, sue for

Commissioners appointed to improve the road from Nescopeck to Orwigsburg.

Who are to give bond.

And be under oath.

Accounts how settled.

Compensation.

Authority to make alterations in the route of the road.

Proviso.

Former commissioners to pay \$2000 to those named in this act.

In case of refusal suits may be instituted.

and recover the same by action of debt as other debts are by law recoverable; and the said commissioners by whom the said two thousand dollars or any part thereof shall be detained, shall pay an interest at the rate of twenty per cent. per annum on the said two thousand dollars from the time of demand made as above directed, until the payment of the whole sum aforesaid, and the said interest shall be an addition to the appropriation made by the sixty-fifth section of the said act.

SECT. 4. *And be it further enacted by the authority aforesaid,* That John Shall, Jacob Shelly and John Krater, as soon as they shall have received the sum of two thousand dollars from the commissioners mentioned in the sixty-fifth section of the act to which this is a supplement, be and they are hereby required to pay or cause to be paid, the sum of four hundred dollars out of said two thousand dollars to David Zehner, George Bacher and Christian Klingeman, of Schuylkill county, or to their order on their entering into a sufficient bond for the faithful and judicious expenditure of the said money in improving the navigation of the little Schuylkill, from the mouth thereof up to the entrance of Pine creek, or so far as they may deem practicable, in Rush township in said county, which bond shall be deposited in the Prothonotary's office in said county, and the said David Zehner, George Bacher, and Christian Klingeman, shall render a true account of their expenditures of said money on oath to the court of quarter sessions of the said county of Schuylkill, within one year after the passing of this act; and the said David Zehner, George Bacher and Christian Klingeman, shall each of them receive one dollar per day for each and every day necessarily spent by them in performing the duties enjoined on them by this act, to be paid or deducted by them from the said four hundred dollars so appropriated.

\$400 to be expended by David Zehner and others in improving the navigation of the little Schuylkill.

To render a true account of expenditures.

Their compensation.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the balance of the aforesaid appropriation, made by the sixty-fifth section of the aforesaid act, remaining in the treasury of this commonwealth, shall, as soon as the two thousand dollars already drawn shall have been expended on said road, be paid to the said John Shall, Jacob Shelly and John Krater, or any two of them, on warrants drawn by the Governor on the treasurer, upon their giving the security aforesaid, and so much of the act to which this is a supplement as is hereby altered or supplied, is hereby repealed.

When the balance of the appropriation made by the 65th sect. of the act of 1821, shall be paid.

Repeal.

• **JOSEPH LAWRENCE,** *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLIV.

AN ACT

For the relief of the creditors of the Harrisburg, Carlisle and Chambersburg turnpike road.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the treasurer, for the time being, of the Harrisburg, Carlisle and Chambersburg turnpike road company, at least once in every year, to pay into the court of common pleas of the county of Cumberland, on or before the first day of the first regular term of said court, the whole amount of tolls collected from said turnpike road for the preceding year, excepting only the sums which shall have been paid to the several officers and toll gatherers of said company, as their salaries or compensation for discharging the several duties appertaining to their respective offices, and excepting only the amount actually expended on the said road, in making the necessary repairs thereof. And at the time of the payment of the said tolls into court, an account, verified by the oath or affirmation of the said treasurer of the company, of the amount of said tolls collected, so far as the same shall have come to his knowledge, with a detailed statement of the sums so paid to the said several officers and toll gatherers, and of the amount which shall have been expended in repairs of the road as aforesaid, shall be filed in the said court. And it shall be the duty of the several toll gatherers of the said road, within the same period, to file in the same court their affidavits, stating the amount of tolls by them respectively collected; and upon the neglect of the said treasurers and toll gatherers, or any of them, to perform the said duties within the time so limited, the said court shall, upon the application of any of the creditors of the said company, on the fourth day of the term, or at any time afterwards, make an order on any such treasurer or toll gatherer, to comply with the provisions of this act, on or before a day certain in the said order to be specified, and if such treasurer or toll gatherer shall, after having received ten days notice of such order, neglect or refuse to comply with the same, the said court may enforce a compliance therewith, by attachment, as in other cases of contempt of court.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said court, from time to time, to distribute the monies which shall so as aforesaid be paid into court, among the creditors of the said company, in the following manner, to wit: First, to all laboring contractors and laborers, to whom the company are indebted, mediately or immediately, for work and labor performed for said company, and who hold the claims therefor in their own right, without having made a transfer thereof. Second, to all creditors to whom the company are

Duty of the
treasurer of
the company.

Duty of toll
gatherers.

Proceedings
if treasurer
& toll gather-
ers neglect
their duty.

Order in
which court
is to distrib-
ute the mo-
nies received.

indebted, which monies shall be paid pro rata in the manner aforesaid.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HLESTER.

CHAPTER CLV.

AN ACT

For the relief of sundry soldiers of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to George Clark, of Cumberland county, William Machemer, of Berks county, Adam Herbold, of Bedford county, John Smith, of Lebanon county, Casper Shirtzer, of Washington county, state of Maryland, John Weber, of Lehigh, and Christopher Rohn, of Philadelphia county, each forty dollars immediately, and an annuity of forty dollars respectively, payable to them, or their orders, half yearly, to commence on the first day of January, one thousand eight hundred and twenty-three.

Gratuity and annuity to G. Clark, W. Machemer, A. Herbold, J. Smith, C. Shirtzer, J. Weber and C. Rohn.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised to pay to Thomas Fullerton, of Crawford county, forty dollars immediately, and an annuity of forty dollars, payable on his order, half yearly, to commence on the first day of January, one thousand eight hundred and twenty-three.

Ditto to Thomas Fullerton.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Joel Bailey, the remaining arrears of the pension of Francis Stackhouse, deceased, and that the said Joel Bailey be and he is hereby authorised and required to divide the same amongst the persons who furnished necessaries for the fu-

Arrears of the pension of F. Stackhouse, dec'd. to be paid to J. Bailey.

netal and burial of the said Francis Stackhouse, in proportion to the amount of their respective claims.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLVI.

AN ACT

Authorising John M'Meens and Edward Ritchey to sell and convey certain lands in Centre county.

WHEREAS, it has been represented that Robert Ritchey, of Lycoming county, in the state of Pennsylvania, has been for a number of years past and is now in a deranged state of mind, so as to be unfit to transact any business, and being possessed of a tract of unseated land in Nitney valley, in the county of Centre, altogether unproductive and yielding nothing to contribute to the support of the said Robert Ritchey, and it being considered by the children and legal representatives of the said Robert Ritchey, that if the said tract of unseated land were sold and the proceeds of sale vested in some productive fund, that would assist in the support and the maintenance of the said Robert Ritchey:

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John M'Meens, of Lycoming county, and Edward Ritchey,*

of Centre county, be and they are hereby authorised and empowered to make sale of a certain tract of unseated land, situate in Nitney valley, Bald Eagle township, in Centre county, containing three hundred and eighteen acres and one hundred and sixteen perches, be the same more or less, whereof the said Robert Ritchey is seized, in fee, for the best price and upon the best terms that can be obtained for the same, and to make and execute conveyances for the same to the purchaser or purchasers, as fully and effectually as the said Robert Ritchey might or could do, if perfectly compos mentis; and that on the sale of the said tract of land, or any part thereof, the proceeds of such sale or sales shall be vested, by the said John M. Meens and Edward Ritchey, in some productive fund, and the interest accruing thereon shall be appropriated, by the said John M. Meens and Edward Ritchey, for the use and maintenance of the said Robert Ritchey; and in case the interest arising from the proceeds of such sale, or sales, is insufficient for that purpose, then, in that case, the said John M. Meens and Edward Ritchey shall have full power to take such part or parts of the said proceeds, as they may deem necessary to contribute to the comfort and support of the said Robert Ritchey, during the time of his insanity: *Provided*, That the said John M. Meens and Edward Ritchey, previous to their proceeding to execute the trust confided to them, by the provisions of this act, shall give a bond to the commonwealth, for the use of Robert Ritchey, his heirs, executors, administrators, or assigns, to be approved by the orphans' court of Centre county, and in such penalty as the said court shall direct, conditioned for the faithful execution of the powers vested in them, and the delivery over of all monies in their hands, to said Robert Ritchey, in case he should at any time become compos mentis, or after his decease, to the heirs and legal representatives of the said Robert Ritchey.

John M.
Meens and
Edward
Ritchey, au-
thorised to
sell certain
lands.

Provided,

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER CLVII.

AN ACT

Providing for the payment of an assistant surveyor employed in laying out a state road from Berrysburg to Reading.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the commissioners of the county of Berks shall be and they are hereby authorised and required to adjust and settle the account of the expense attending the employment of an assistant surveyor, in the prosecution of the duties of the commissioners, appointed by the Governor, to view and lay out a state road from Berrysburg, in Dauphin county, to Reading, in Berks county, agreeably to the act of the twenty-second day of February, one thousand eight hundred and twenty-one, which account, when approved of by the court of quarter sessions of Berks county, shall be paid on a warrant to be drawn on the treasurer thereof, by the commissioners of the county last aforesaid, in proportion to the distance that the said road passes through the same county.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLVIII.

A Supplement

To the act entitled "An act for the relief of certain owners of real estate in the district of Southwark in the county of Philadelphia."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the same provisions that are contained in the act entitled,

"A supplement to the act entitled An act for laying out and keeping in repair the public highways within this commonwealth, and for laying out private roads," passed the third day of April, one thousand eight hundred and four, so far as the same relates to assessing of damages which the owner or owners of lands, house, houses, or other property, may sustain in consequence of the same being taken and used as public highways, be and the same are hereby extended and made applicable to the relief of the holders of property in the district of Southwark, in the county of Philadelphia, in consequence of the damages that the owner or owners of lands, house or houses, or other property shall have sustained or may sustain by reason of the suspension of the opening of the streets laid out and recorded by virtue of the act passed for that purpose on the twenty-ninth day of September, one thousand seven hundred and eighty-seven, and the opening of which were suspended by an act of assembly, passed on the twenty-third day of March, one thousand eight hundred and eighteen, entitled, "An act further to suspend the opening of certain streets, lanes and alleys in the district of Southwark."

The provisions of an act relative to assessing damages sustained by opening roads, extended to the district of Southwark.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the first section of the act to which this is a supplement, passed the twenty fourth day of February, one thousand eight hundred and twenty, be and the same is hereby repealed. Repeal.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three,

JOSEPH HIESTER.

CHAPTER CLIX.

AN ACT

For the relief of Samuel Gamble, supervisor of Fannett township, in Franklin county, and John Johnson, of Fayette township, Allegheny county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in the next road tax which shall be assessed after the pas-

John Gam-
ble, to re-
ceive
§127 50.

ing of this act in the township of Fannett, in Franklin county, by the supervisors thereof, respectively it shall and may be lawful for them, and they are hereby authorised and required to assess and collect the sum of one hundred and twenty-seven dollars and fifty cents, and as soon as the sum is collected, pay it over to Samuel Gamble, supervisor for the year eighteen hundred and twenty, to indemnify him for money advanced in the year aforesaid.

John John-
son §125.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in the next road tax which shall be assessed after the passing of this act, in the township of Fayette, in Allegheny county, by the supervisors thereof, respectively it shall and may be lawful for them, and they are hereby authorised and required to assess and collect the sum of one hundred and twenty-five dollars, and as soon as the sum is collected, pay it over, or so much of it as may be due to John Johnson, to indemnify him for his services as a supervisor of said township.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLX.

A Supplement

To an act entitled "An act to provide for the education of children at the public expense within the city and incorporated boroughs of the county of Lancaster."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act and until the first day of April, one thousand eight hundred and twenty-four, it shall not be lawful for the directors of the public schools in the first

section of the second school district, to draw from the treasury of the county of Lancaster, any monies except such sums as may be necessary for the payment of such contracts and engagements as shall have been entered into by them previous to the passage of this act; nor shall they be authorised in any year thereafter, to draw from the treasury of said county, any monies except what may be absolutely necessary for the support and continuance of said schools; nor shall the amount which may be so drawn in any one year, exceed the sum of eight hundred dollars. And so much of the act to which this is a supplement, as is hereby altered or supplied, together with the twelfth section of said act be and they are hereby repealed: *Provided*, That all the children who are liable to be taught at the public expense in the city of Lancaster, shall be taught in the said school.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXI.

AN ACT

Appointing trustees to close the concerns of the Silver Lake Bank,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Warner, Benjamin Lothrop, William Jessup, of Susquehanna county, Samuel Bosworth and Hiram Mix, of Bradford county are hereby appointed trustees of the Silver Lake bank, for the purpose of closing the affairs thereof and the said trustees are hereby authorised and empowered to make contracts and enforce the performance thereof, which it may be deemed necessary to enter into, for the purpose of securing and collecting the debts thereof and to hold such lands, tenements and hereditaments as have been or shall hereafter be *bona fide* mortgaged or

Trustees appointed.

Their powers and duties.

Proviso.

conveyed to said bank in satisfaction of debts previously contracted or purchased at sales, upon judgments obtained for such debts, to lease, sell and convey the property real and personal, at any time belonging thereto, and to do and perform all and every legal act and thing necessary in adjusting and closing the concerns of said bank: *Provided*, That nothing herein contained shall be deemed or construed as giving the said institution power or authority to discount or make any new loans.

Vacancies in the office of trustee how supplied.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when any trustee thus appointed shall die, resign or remove out of the county where said bank is located, or shall become insolvent, in every such case the court of quarter sessions of the county of Susquehanna shall upon application from any of the stockholders supply such vacancy.

Trustees may be sued in the corporate name of the bank.

SECT. 3. *And be it further enacted by the authority aforesaid*, That when said trustees or a majority of them, shall have accepted of said trust, the corporation thus vested in trustees shall be liable to be sued in its corporate name, before any court or magistrate in this commonwealth, having competent jurisdiction by summons which may be served on any of the trustees appointed as aforesaid who shall have accepted of the trusts, which suits shall be conducted in all respects (after the service of the summons) agreeably to the provisions of the act relative to suits brought by or against corporations, passed the twenty-second day of March, one thousand eight hundred and seventeen. And in the serving of any execution issued against the president and directors of the Silver Lake bank, the trustees who shall have accepted of the said trust or any of them shall be deemed and held to be the principal officers of the said institution, and the service of the execution on them or any of them shall be deemed and held to be good and valid in law, and the trustees shall be entitled to all the privileges in defending all suits brought against said corporation, which were heretofore granted to the president and directors of the Silver Lake bank: *Provided*, That a list of the trustees who shall have accepted of said trust, shall be filed in the office of the prothonotary of the county of Susquehanna immediately thereafter.

Of serving executions.

Proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXII.

AN ACT

To exonerate the estate of the late James Hanna, Esquire, deceased, from the payment of certain monies.

WHEREAS, the late James Hanna, Esquire, deceased, in his life time, viz: In the year eighteen hundred and seventeen, as brigade inspector of the second brigade, composed of the counties of Somerset and Cambria, in the twelfth division of the militia of this state, put into the hands of Jacob Mason, then the constable of Somerset township, Somerset county, a warrant for the collection of fines against delinquent militia men, amounting in the whole to seven hundred and seventeen dollars, of which sum the said James Hanna received five dollars only, by reason of the said constable having, shortly after the receipt of the said warrant, having had his house and papers burnt, and he, in consequence of his losses, becoming insolvent, and his bail having paid the amount of their bond to other creditors of the said constable:

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the executors and representatives of the said James Hanna be and they are hereby exempted from the payment, to this commonwealth, of the uncollected part of said warrant, to wit: The sum of seven hundred and twelve dollars, and that the auditor general be and he is hereby directed to give the said executors credit for said amount, whenever they may apply to him for the same, in the settlement of the claims of this commonwealth against the estate of the said James Hanna: *Provided*, That the facts herein set forth be established to the satisfaction of the accountant officers.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXIII.

AN ACT

For the relief of John Ford.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby directed and required to pay to John Ford, the sum of twenty dollars and sixty-six cents, the balance of his expenses advanced in keeping in repair the tents, knapsacks, &c. at the Arsenal, at Harrisburg: And the Auditor General is hereby authorised and required to settle and adjust the accounts of the Brigade Inspector of the first brigade, sixteenth division, for cleaning and repairing public arms, by virtue of certain militia laws now repealed, and to draw his warrant on the State Treasurer for the amount found due: *Provided, The same does not exceed fifty dollars.*

John Ford to receive \$20 66. Accounts of the Inspector 1st brig. 16th div for cleaning arms, authorised to be settled.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXIV.

AN ACT

Providing for the recovery of fines assessed upon citizens of this state for the non-performance of militia duty during the late war with Great Britain, and for other purposes.

WHEREAS, it is enacted in and by an act of congress, passed the fourth day of May, eighteen hundred and twenty-two, that all the right of the United States have to the fines assessed upon the citizens of the state of Pennsylvania, for the non-performance of militia duty during the late war with Great Britain,

shall be and the same is thereby vested in the said state to be recovered by the same under such regulations, provisions and restrictions as shall be prescribed by the legislature thereof: **AND WHEREAS**, the legislature of this state has accepted of the provisions of the said act of congress, upon the terms and conditions mentioned in the fourth section thereof.

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

That the auditor general be and he is hereby authorised and required to take legal measures to recover all monies in the hands of those who now are, or heretofore have been marshals or deputy marshals, or which may be in the hands of their legal representatives, which may have been collected from the fines aforesaid, after deducting the expense of assessing and collecting the same, and also to settle and adjust the accounts of the said marshals and deputy marshals for monies by them collected as aforesaid under the provisions of the act of the thirtieth of March, eighteen hundred and eleven, entitled, "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," and for this purpose he is hereby authorised and required to exercise the same powers for compelling the said marshals and deputy marshals or their legal representatives, to render their respective accounts, and for procuring the attendance of persons whether party or witnesses, and the exhibition and delivery of books, accounts, documents and papers which have any relation to or connection with the said accounts or fines, and which he may deem necessary in the investigation and adjustment of the same as are or may be exercised in the case of other debtors or delinquent public officers of this commonwealth: *Provided*, That no proceedings shall be instituted against them or any of them, previous to the first day of August next: *And provided, also*, That in settling and adjusting the accounts aforesaid, the accounting officers shall allow a credit to the several marshals and deputy marshals for all sums heretofore paid by them to the officers composing the courts martial, held under the authority of the laws of the United States, and the laws of the commonwealth of Pennsylvania, for the trial of delinquent militia men.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the auditor general to procure for the use and benefit of the commonwealth, the bonds or authenticated copies of the same given and executed by the said marshals and deputy marshals and their respective sureties, who have received monies collected from the fines aforesaid, and which bonds or authenticated copies shall be evidence in courts of justice, on any suits brought on the same, and also to cause this act to be published in one or more newspapers printed within the bounds of each brigade, and all the expenses incurred by him in performing the duties enjoined by this act, shall be paid out of the state

Duty of auditor general.

Powers to compel marshals, &c. to render their accounts, &c.

Proviso.

2d Proviso.

Aud. Gen. to procure bonds, &c.

And cause this act to be published.

Expenses incurred, how paid.

treasury, on the settlement and approval of an account thereof, by the accountant department.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXV.

AN ACT

To authorise the court of common pleas of Cumberland county, to grant a review of a part of the turnpike road from Hanover to Carlisle.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the judges of the court of common pleas of Cumberland county, on petition to them for that purpose, shall appoint three disinterested commissioners, who shall view that part of the turnpike road, leading from Hanover to Carlisle, situate between the fifteenth mile stone, in Adams county, and that point, at the end of ten miles in extent in said road, towards Carlisle, and compare the same with the provisions of the several acts of assembly, authorising the making and constructing the same, and report to them, at the succeeding term, the state thereof; and if it shall appear to the judges aforesaid, that said road has not been made and constructed in all respects as is by law directed, they shall so adjudge, from and after which adjudication it shall be unlawful for the president, managers and company of the Hanover and Carlisle turnpike road, to demand or receive toll, from any person or persons travelling on any part of said turnpike road, situate between the fifteenth mile-stone aforesaid, and that point in the said road at the end of ten miles, across the

mountain towards Carlisle, until it shall be made appear to the said judges that the same has been made and constructed according to law: *Provided, nevertheless,* That if the said president, managers and company of the Hanover and Carlisle turnpike road shall consider themselves aggrieved by the adjudication aforesaid, said court shall, on application, direct an issue, to be tried by jurors in ordinary cases, to which the petitioners and said company shall be parties, and the trial of said issue shall take preference to all other causes.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXVI.

AN ACT

Authorising the Secretary of the Land Office to grant patents for lands to persons who shall execute a mortgage thereon, to secure the sums due the commonwealth, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the secretary of the land office be and he is hereby authorised to settle the accounts of all persons, who may apply within seven years from and after the passing of this act, who are indebted to this commonwealth for the purchase money of lands and the interest due thereon, on warrants or any other office title issued or which may hereafter be issued, from and under this Commonwealth, and who have not received patents for their lands, calculating agreeably to the present mode, and deducting seven years interest, to be computed from the second

Patents to be issued to persons who shall execute a mortgage to secure the sums due the commonwealth.

day of December, one thousand seven hundred and seventy-six, upon all lands that were improved previous to that time; and on the payment of the usual fees of office, such persons shall receive their patents, upon executing a mortgage to the Governor, for the use of the commonwealth, to secure the payment of the aggregate of the arrears of purchase money and interest due in ten equal annual instalments, the interest of the whole aggregate sum remaining due to be paid yearly; and all mortgages which shall be executed in pursuance of this act, shall be filed in the office of the secretary of the land office; and before he shall deliver any such patent, he shall endorse thereon that a mortgage is executed by the patentee to the Governor for the use of the commonwealth, to secure the payment of arrearages, and also endorse thereon the amount thereof: *Provided*, That the provisions of this act shall not extend to any lands north and west of the rivers Ohio, Allegheny, and Conowango creek, or within the seventeen townships in the county of Luzerne, or to any titles or grants made by or under the proprietary government.

Proviso.

Mortgage may be executed by attorney.

SECT. 2. *And be it further enacted by the authority aforesaid*, That any such mortgage may be executed and acknowledged by attorney duly constituted by letter of attorney, and such letter of attorney being duly acknowledged before any of the judges of the supreme court, or before any president or associate judge of any court of common pleas in this state, or before any justice of the peace, or alderman, of the county in which the land may lie, shall be filed in the office of the secretary of the land office, a copy whereof, and also a copy of any such mortgage, being duly certified under the seal of said office, shall in all cases be as legal and sufficient evidence as the originals themselves might or could be.

Principal and interest may be paid before the days of payment.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid*, That any person or persons who have executed, or hereafter shall execute, any such mortgage, his or their heirs, executors, administrators, attorney, or agent, duly constituted, may at any time, before the days of payment, be permitted to pay the whole amount of principal and interest to that time, in full discharge of any such mortgage: *Provided, nevertheless*, That said mortgagor or mortgagors, his or their heirs, executors, administrators, attorney or agent, duly constituted, may at any time before the day or days of payment, be permitted to pay any instalment or instalments, to become due, and the interest on such instalment or instalments so paid, shall be calculated up to the time of such payment, and shall thenceforward cease; and he or they may have a receipt endorsed on the mortgage, for such instalment or instalments so as aforesaid paid.

Part of an act of 22d March 1820, suspended.

SECT. 4. *And be it further enacted by the authority aforesaid*, That so much of the provisions of the act entitled, "An act directing the recovery of the principal and interest due to the commonwealth from persons holding lands by virtue of location or other office titles issued from or under the proprietary government, and for other purposes," passed March the twenty-second,

one thousand eight hundred and twenty, as authorises suits to be brought against such holders of lands, be and the same is hereby suspended until the first day of May, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXVII.

AN ACT

Authorising a review of certain state roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,*

That the court of quarter sessions of Armstrong county, be and they are hereby directed to appoint three suitable persons, one of whom shall be a practical surveyor, to review that part of the state road laid out from the borough of Kittanning to the mouth of Anderson's creek, that lies and is included in the sixth mile from Kittanning, in Armstrong county, and upon report of said viewers, or any two of them, making any alteration of said road, if the court shall approve of the same, a draft, with the courses and distances of said road so altered, shall be filed in the office of the clerk of said court, a duplicate whereof shall be transmitted by him to the secretary of the commonwealth, and the roads so laid out and approved of as aforesaid, shall be part of the state road, and that part rendered unnecessary shall be vacated.

Review of part of the road from Kittanning to the mouth of Anderson's creek, authorised.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of Armstrong county, be and

Part of the road from Bedford to Franklin, authorised to be reviewed.

they are hereby directed to appoint six suitable persons, one of whom shall be a practical surveyor, to review that part of the state road laid out from Bedford to Franklin, which lies between the town of Bradford and which is called Gray's improvement, about three miles north of Mahoning creek, being in the county of Armstrong, and if, upon report of said viewers, or any five of them, making any alteration of said road, the court shall approve of the same, a draft, with the courses and distances of said road so altered, shall be filed in the office of the clerk of said court, a duplicate whereof shall be transmitted by him to the secretary of the commonwealth. And the road so laid out and approved of as aforesaid, shall be part of the state road, and that part rendered unnecessary shall be vacated.

Road from Berrysburg to Reading, part thereof, authorised to be reviewed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Berks, be and they are hereby authorised to appoint six suitable persons, to view and review such part of the state road, from Berrysburg to the borough of Reading, from Samuel Jones's line through land of George Gashes and Isaac Adams, to a road leading to the Sinking Springs, in Heidleberg township, if on the report of said reviewers, or any five of them, making an alteration in said road, the court should confirm the same, a draft, with courses and distances of said road, shall be filed with the clerk of said court, who shall transmit a duplicate thereof to the secretary of the commonwealth, and the road so laid out shall be a part of the state road aforesaid, and that part so rendered unnecessary shall be vacated, and the expenses so incurred shall be paid by warrants drawn by the commissioners on the treasurer of Berks county.

Part of the said road in Dauphin county, authorised to be reviewed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Dauphin, shall have authority, upon application by petition to them made, to grant a review of so much of the state road from Berrysburg, in Dauphin county, to the borough of Reading, as is laid out between the town of Gratz, in Dauphin county, to the division line between Dauphin and Schuylkill counties, and lay out the same on other ground, if they think the interest of the community would be thereby promoted, and at the same time to inquire of and vacate so much or any part of the said road, as is laid out between the town of Gratz and the division line of the counties of Dauphin and Schuylkill, and which they shall judge to be useless, inconvenient and burdensome, and the said court shall proceed therein by view and reviews thereof, in the same manner as they are authorised to do, and is usually practised in laying out public roads and highways.

Allowance to viewers.
How paid.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the same allowance shall be made, in each case, to the viewers, as is made in similar cases for county roads, when they are appointed by the court, to be paid out of the treasury of

the county, on warrants drawn by the commissioners of the same.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXVIII.

AN ACT

Granting compensation to Joseph Reed, for superintending the publication of the sixth and seventh volumes of the laws, and for the relief of John Bioren.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the State Treasurer is hereby authorised and required to pay to Joseph Reed, the sum of sixteen hundred and eighty dollars, for superintending the publication of the sixth and seventh volumes of the laws, preparing the indices and abstracts, and inserting the notes of judicial decisions, agreeably to the act and its supplement, passed in the years eighteen hundred and twenty-one and eighteen hundred and twenty-two, "Authorising the Governor to contract with John Bioren, for printing the sixth volume of the laws of this commonwealth," as a full compensation for his trouble and attention.

Compensation to Joseph Reed for superintending the publication of the 6th and 7th vols. of laws, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the accounting officers of this commonwealth, be and they are hereby required, in the settlement of John Bioren's accounts, to allow him compensation for printing two hundred and twelve pages of the seventh volume of the laws of this commonwealth, Further compensation to John Bioren for printing 7th vol. of laws.

at the rate of two dollars and twenty-five cents for six hundred pages.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HEESTER.

CHAPTER CLXIX.

AN ACT

Relative to turnpike road and bridge companies.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the several acts of assembly of this commonwealth, for the incorporation of turnpike and bridge companies, as required a certain sum to be paid by subscribers of stock to the attending commissioner or commissioners, previous to, or at the time of subscribing, be and the same is hereby repealed, so far as the same relates to turnpike and bridge companies already incorporated, or subscriptions already taken; and that the respective companies shall have the same legal remedy for the recovery of the amount of subscriptions to their companies, as if such provision, requiring the payment of a certain sum for each share of stock subscribed, had not been required in the acts aforesaid, and that the validity of the charter of incorporation of the said companies shall not be affected by the non-payment of such certain sum, at or before the time of subscription: *Provided,* That no stockholder in any turnpike road or bridge company shall be entitled to vote at any election for officers of such company, who has not paid up such shares or proportions of his subscription as may have been called for by the proper officers of such company.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases when money has been drawn from the treasury

Part of acts requiring the payment of a certain sum at the time of subscribing for shares repealed.

Charter not to be affected by non-payment.

Proviso.

on the faith of the subscriptions having been *bona fide* made, it shall be the duty of such companies, who have thus obtained money from the state, to proceed immediately to collect as far as practicable from its stockholders, respectively, such sum or sums as ought in good faith to have been paid by them, respectively, at the time of subscription, together with such sum or sums as ought to have been paid by the stockholders, respectively, in proportion to the amount paid by the state to such turnpike road company; which sum of money, when so collected, shall be considered, after the payment of the debts of such company, as a surplus fund to be divided by the said company or companies between the state and the other stockholders, in proportion to the amount actually paid by the state and those stockholders, respectively.

Duty of companies to collect money from stockholders in certain cases.

Surplus how to be divided.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president of each turnpike road company within this commonwealth, in which the state holds stock, to make, on oath or affirmation, on or before the second Monday in December next, a detailed report to the auditor general, showing the situation of the company of which he is President, on the first Monday of said month, or as near that time as is practicable. And in said report shall be particularly stated the cost of the road made or making by said company; the amount of individual subscriptions, by persons deemed solvent, to the stock of said company, the amount paid by individual subscribers; the amount paid by the state, the debt due by the company, the tolls received in the preceding year, and the disposition of the same, and the amount of expenditures for repairs, &c. in the same year. And it shall be the duty of the secretary of the commonwealth to transmit to the president of each turnpike road company in which the state holds stock a copy of this law.

Statement of the affairs of each turnpike company to be made annually on oath to auditor general.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER,

CHAPTER CLXX.

AN ACT

For the relief of Jacob Mechling.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be and he is hereby authorised and required to pay to Jacob Mechling or order, the sum of six hundred dollars, in full for a tract of donation land, which was granted to Adam Herbold as a reward for his services as a revolutionary soldier, whose right and interest therein became legally vested in the said Jacob Mechling, situate in what is commonly called the Struck Donation, in the second district, number three hundred and four, containing two hundred acres, from which the said Jacob Mechling has been evicted.*

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXXI.

AN ACT

For the relief of sundry soldiers and widows of soldiers of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the State Treasurer be and he is hereby authorised and re-*

quired to pay to George Hiller, or order, of Lebanon county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and twenty-three. Gratuity and annuity granted to Geo. Hiller.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Adam Rahn, or order, for the use of Philip Reiser, of Berks county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and twenty-three. Ditto to Adam Rahn, for use of Philip Reiser

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Mary Young, of Lebanon county, or order, (widow of Christian Young, a revolutionary soldier,) forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and twenty-three. Ditto to Mary Young.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Samuel M'Clelland, or order, of Lancaster county, a lieutenant in the revolutionary war, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and twenty-three. Ditto to Samuel M'Clelland.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to John M'Cammon, of Middletown, Dauphin county, or order, in trust and to be applied to the use and benefit of John Bell, of said county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence on the first day of January, one thousand eight hundred and twenty-three. Ditto to John M'Cammon, for the use of John Bell.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay, to Micajah Posey, or order, of Chester county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three. Ditto to Micajah Posey.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Peter Holstein, or order, of Philadelphia county, a revolutionary soldier, forty dollars immediately, and an annuity of forty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three. Ditto to Peter Holstein.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required to pay to Dorcas Holliday, or order, of Huntingdon coun- Ditto to Dorcas Holliday.

ty, widow of John Holliday, a captain in the revolutionary war, sixty dollars immediately, and an annuity of sixty dollars, payable half yearly during life, to commence the first day of January, one thousand eight hundred and twenty-three.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby required to pay William Holgate, or order, of Montgomery county, forty dollars immediately, and an annuity of forty dollars during life, to commence on the first day of January, one thousand eight hundred and twenty-three, payable half yearly.

Ditto to Wm.
Holgate.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXXII.

A Further Supplement

To the act entitled, "An act directing the descent of intestates, real estates and distribution of their personal estates, and for other purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of August next, it shall be the duty of the registers of wills in the several counties of this commonwealth, in addition to the notice now required to be given by law, of the filing of the accounts of executors, administrators and guardians, and that the same will be presented to the orphans' court for confirmation and allowance, to cause such notice to be given once a week for at least four weeks prior to the time ap-

Registers to
give notice in
newspapers
of the filing
of accounts
of executors,
administrators,
&c.

pointed for such confirmation and allowance, in at least two newspapers published in the county, if such newspapers are published therein, but if there is only one newspaper published in the county, then the said notice shall be given in said newspaper and the actual cost of such publication to be paid by the register, shall be divided among the several accounts, to be presented to any one court and the proper proportion and no more shall be allowed and charged in every said account, in addition to the compensation now allowed by law.

Cost thereof
how to be
paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the prothonotaries of the courts of common pleas of the respective counties of this commonwealth, to file and docket for the fee of fifty cents, certified transcripts or extracts of the amount appearing to be due and in the hands of any executor, administrator or guardian on the settlement of his, her or their account in any orphans' court of this commonwealth, which transcripts or extracts shall be a lien on the real estate of such executor, administrator or guardian from the time of such entry until payment, distribution or satisfaction and actions of debt, or scire facias, may be instituted thereon by any person or persons interested for the recovery of the whole, or any part thereof: *Provided,* That in case of an appeal from the orphans' court, the lien shall be for no more than the amount finally found due and decreed.

Transcripts
of the amount
appearing
due, may be
filed by pro-
thonotary.

To be a lien
on real estate
of executor,
&c.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER CLXXIII.

AN ACT

Relative to the entry of writs of testatum fieri facias; service of writs of scire facias, and relative to payment of costs on appeals from before Justices of the peace, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That From and after the first day of August next, it shall be the duty of the several sheriffs and coroners, as the case may be, of the several counties of this commonwealth, on receiving a writ of testatum fieri facias, immediately to deliver the same to the prothonotary of the proper county, whose duty it shall be to make an entry of the same on the records of the court of common pleas of the said county, in a docket to be provided for that purpose, as of the preceding term, together with the amount of the debt or damages and costs indorsed on the said writ of testatum fieri facias, and after the making of such entry, it shall be the duty of the said prothonotary to deliver the said writ of testatum fieri facias again to the sheriff or coroner, as the case may be, which said debt or damages and costs, indorsed as aforesaid, shall be, from the date of the entry thereof as aforesaid, a lien on the real estate of the defendant or defendants, named in the said writ, for and during the period of five years, unless the debt or damages and costs be sooner paid: *And Provided.* That the plaintiff or plaintiffs in any such testatum fieri facias, upon the amount thereof being discharged, shall enter satisfaction therefor in the same manner and under the same penalties that satisfaction is now required to be entered on judgments. X

SECT. 2. *And be it further enacted by the authority aforesaid,* That the prothonotaries of the several counties within this commonwealth shall be entitled to receive the sum of fifty cents for entering each testatum fieri facias made in pursuance of this act.

SECT. 3. *And be it further enacted by the authority aforesaid.* That from and after the first day of August next, when writs of scire facias shall issue within this commonwealth, and by the directions of such writ or writs, the sheriff or other officer is directed to make known to the defendant or defendants, in the presence of witnesses, the service thereof, shall be good and valid notwithstanding such service shall not have been made in the presence of a witness or witnesses.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the ninth section of the act of the twenty-eighth of March, one thousand eight hundred and twenty, entitled, "A further supplement to an act entitled An act to amend and consolidate with its supplements the act entitled, An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constable and for other purposes," be and the same is hereby repealed.

Method of entering writs of testatum fieri facias.

To be a lien on real estate from time of such entry.

Proviso.

Fee of prothonotaries.

What shall be a good service of writs of scire facias.

Ninth section of act of 28th of March, 1820, repealed.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in all cases where an appeal is taken from a judgment of a justice of the peace or alderman, and the appellant neglects or refuses to file the same in the prothonotary's office of the proper county according to law, it shall and may be lawful for the justice of the peace or alderman before whom the judgment was entered, to issue an execution for the amount thereof, at the instance and request of the appellee, or proceed by scire facias against the bail.

Where appellant neglects to file judgment, justice may issue execution at the request of appellee, &c.

JOSEPH LAWRENCE, Speaker
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER:

CHAPTER CLXXIV.

AN ACT

To annex part of Lycoming county to Clearfield county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the deputy surveyor of Clearfield county be authorised and required to run a line from the mouth of the second run, emptying into the west branch of the Susquehanna, from the north side, below Buttermilk falls, at the true bearing of north thirty-five degrees west until it intersects the present county line, between the counties of Lycoming and Clearfield, and so much as may be cut off from Lycoming county, by the line so run, shall be added to the county of Clearfield.

Part of Lycoming county to be annexed to Clearfield.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said deputy surveyor shall receive, for each day he shall be engaged in performing the duties enjoined on him by this act, the sum of two dollars and fifty cents, to be paid out of the treasury of Clearfield county, together with reasonable allowance for chain carriers and markers.

Compensation to deputy surveyor.

Of the col-
lection of
taxes.

SECT. 8. *And be it further enacted by the authority aforesaid,*
That all taxes and arrearages of taxes now assessed and unpaid,
due from any person or persons within the bounds so cut off
from Lycoming county, shall be collected and paid as if this
act had not passed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and
twenty-three.

JOSEPH HIESTER.

CHAPTER CLXXV.

AN ACT

Authorising the Governor to incorporate the Shenahgo Canal Company.

Commission-
ers appoint-
ed to receive
subscriptions
for stock.

When and
where books
shall be
opened.

SECT. 1. *BE it enacted by the Senate and House of Repre-
sentatives of the Commonwealth of Pennsylvania in General As-
sembly met, and it is hereby enacted by the authority of the same,*
That John Banks, John Leech, William S. Rankin, and Arthur
Chenoweth, of Mercer county, Moses Scott and William Henry,
of Crawford county, Thomas Wilson and Wilson Smith, of Erie
county; Thomas Henry and John Pugh, of Beaver county, Hugh
Davis and John Fowler, of Allegheny county; and David Shields
and William Sample, of Washington county, or any two of them,
be and they are hereby appointed commissioners to do and per-
form the several things hereinafter mentioned, that is to say:
They shall, on or before the first day in February next, procure
a sufficient number of books, one or more of which shall be open-
ed at some convenient place in the towns of Mercer and New-
castle, in the county of Mercer; in the town of Meadville; in the
county of Crawford, in the town of Erie; in the county of Erie;
in the town of Beaver, in the county of Beaver; in the town of
Washington, in the county of Washington: and in each of them

enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Shenango canal company, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled, "An act authorising the Governor to incorporate the Shenango canal company," Witness our hands this day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in one newspaper printed in the town of Erie, in Erie county; one newspaper printed in the borough of Mercer, in Mercer county; one newspaper printed in the borough of Beaver, in Beaver county; in one newspaper printed in the borough of Meadville, in Crawford county, and in one newspaper printed in the borough of Washington, in Washington county, and in one newspaper printed in the city of Pittsburgh, in Allegheny county, for one month at least, of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books in their own name or the name of any other person, who shall authorise the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of four days, or until there shall have been subscribed eight hundred shares, and if at the expiration of four days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere until the whole number of eight hundred shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid, shall give such public notice as the occasion may require, and when the whole number of shares shall be subscribed then the books shall be closed: *Provided always*, That every person offering to subscribe in the said books in his own or any other name, shall previously pay to the attending commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the incorporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Form of subscription.

Public notice to be given of the times and places for receiving subscriptions.

Who may subscribe.

May transfer books until whole number of shares shall be subscribed.

Payment on subscribing.

SECT. 2. *And be it further enacted by the authority aforesaid*, That when four hundred shares or more of the said stock shall be subscribed, the commissioners or a majority of them may certify to the Governor under their hands and seals the names of the subscribers and the number of shares subscribed by each, whereupon the Governor shall by letters patent under his hand and the seal of the commonwealth create and erect the subscri-

When letters patent may issue.

Style of the company.

Powers and privileges.

bers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid into a body politic and corporate in deed and in law, by the name, style and title of "The President and Managers of the Shenango Canal Company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargements shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding to them and their successors and assigns in fee simple or for any lesser estate all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Mode of organizing the corporation.

Officers to be chosen.

May make bye-laws.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the seven first named persons or a majority of them shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in all the public newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers by ballot, to be given in person or by proxy duly authorised, one president and seven managers, a treasurer and such other officers as shall be deemed necessary; which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, that the president and managers aforesaid shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such bye-laws, rules, orders and regulations as do not contravene the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

Of annual and special elections.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of January, in every year, at such place as may be fixed upon by the bye-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the bye-laws, at which special meeting they shall have full power and authority to alter or repeal by a majority of votes in manner and form to do and perform any other corporate act, and

each person shall be entitled to one vote for each share by him or her held.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met four shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; and a quorum being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or in his absence by a majority of the managers present, and generally to do all such other acts, matters and things as by this act and by their bye-laws and regulations of the company they are authorised to do.

President & managers, their powers and duties.

Provided.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate, or evidence of stock, shall be transferable at his pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate, assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

How certificates of stock shall issue.

How transferable.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assigns, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall

Penalty on neglect to pay instalments.

When shares shall be forfeited.

Style of the
company.

Powers and
privileges.

bers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid into a body politic and corporate in deed and in law, by the name, style and title of "The President and Managers of the Shenango Canal Company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargements shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding to them and their successors and assigns in fee simple or for any lesser estate all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Mode of or-
ganizing the
corporation.

Officers to
be chosen.

May make
bye-laws.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the seven first named persons or a majority of them shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days notice in all the public newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers by ballot, to be given in person or by proxy duly authorised, one president and seven managers, a treasurer and such other officers as shall be deemed necessary; which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, that the president and managers aforesaid shall conduct the business of said company until the first Monday of January then next, and until like officers shall be chosen, and may make such bye-laws, rules, orders and regulations as do not contravene the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of the company.

Of annual
and special
elections.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the stockholders shall meet on the first Monday of January, in every year, at such place as may be fixed upon by the bye-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the bye-laws, at which special meeting they shall have full power and authority to alter or repeal by a majority of votes in manner and form as they may think proper, and to do and perform any other corporate act, and

each person shall be entitled to one vote for each share by him or her held.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met four shall be a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of their transactions, fairly entered in a book; and a quorum being formed they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the monies due on their respective shares, to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or in his absence by a majority of the managers present, and generally to do all such other acts, matters and things as by this act and by their bye-laws and regulations of the company they are authorised to do.

President & managers, their powers and duties.

Provided.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president and managers first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate, or evidence of stock, shall be transferable at his pleasure, in person or by attorney duly authorised, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate, assigned to him as aforesaid, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscribers would have been.

How certificates of stock shall issue.

How transferable.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if after thirty days notice, in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assigns, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall

Penalty on neglect to pay instalments.

When shares shall be forfeited.

become equal to the sums before paid, in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the said president and managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due, and payable more than thirty days previously to the said election or meeting.

Proviso.

Authority to
make canal,
&c.

Route.

May enter
upon and oc-
cupy land &c.
paying for
damages.

Proceedings
where parties
cannot agree.

Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said president, managers and company, to make, or cause to be made, a complete navigable canal, with such locks and other works as shall be necessary, and also to make a road on each side of the same, if necessary, commencing at or near Pollock's bridge, on the Shenango river, in Crawford county, and extending to the state line, at or near the farm of William Hill, and to make use of the water of said river, or any creeks or streams on or near the intended route of said canal, for the purpose of supplying the same with water.

SECT. 9. *And be it further enacted by the authority aforesaid*, That the said president, managers and company shall have power and authority by themselves, or their superintendents, engineers, artists and workmen, to enter in and upon and occupy, for that purpose, any land which shall be necessary and suitable for the intended canal, and there to dig, construct, make and erect such canal, locks and sluices, or other necessary device, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint three suitable and judicious persons, within the proper county where the land lies, or if they cannot agree on such persons, then either of the parties may apply to the court of common pleas of the proper county where the land lies, and said court shall appoint three disinterested men, who shall ascertain and report to said court what damages, if any, have been sustained by the owner or owners of said ground by reason of such canal, locks or sluice passing through his, her or their land, which report being confirmed by the court, judgment shall be entered thereon, and execution may issue in case of non-payment, for the sum awarded, with reasonable costs, to be assessed by the court; and it shall be the duty of the said appraisers, in valuing any land, to take into consideration the advantages derived to the owner or owners of the premises from the said navigation passing through the same: *Provided*, That either party may appeal to the court within thirty days after such report may have been filed in the protho-

notary's office of the proper county, in the same manner as appeals are allowed in other cases.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draft or burden, may enter upon the lands contiguous and near to the said river, giving notice to the owner or occupiers thereof, and from thence to take and carry away any stone, gravel, sand, earth or timber, doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be done to the improvements thereon, and paying for the materials taken away, the amount whereof, if the parties do not agree, shall be assessed and valued by three freeholders chosen as directed in the ninth section of this act.

May enter upon lands to procure materials.

Making amends for damages.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the said president and managers shall cause the guard walls, locks, gates and canal to be erected and made at each respective situation, before any dam obstructing the ordinary navigation shall be extended to more than one-third across said river.

Canal to be completed before dams are extended.

SECT. 12. *And be it further enacted by the authority aforesaid,* That as soon as the said president, managers and company shall have perfected one lock on the said canal, and so, from time to time, as they shall perfect one additional lock on said canal, they shall give notice thereof to the Governor, who shall thereupon nominate and appoint three disinterested persons to view and examine that part said to be completed, and to report to him in writing whether the said navigation is so far executed in a masterly, workman-like manner, according to the true intent and meaning of this act; and if, at any time, their report shall be in the affirmative, then the Governor shall, by license under his hand and the less seal of this commonwealth, permit the said president, managers and company, or such person or persons as they shall, from time to time, appoint as toll collectors, or their deputies, to demand and receive of and from the persons having the charge of any boat, ark, raft or other vessel, passing through any lock erected on said canal, twelve and one-half cents at each lock upon each and every ton of the ascertained burthen of such boat, ark or vessel, and for every hundred feet, cubic measure, of timber, and twelve hundred feet, board measure, of boards, plank and scantling, in rafts: *Provided,* That if, at the expiration of two years after the said work shall be completed, the tolls, together with the interest of the money arising from the sale of water power, or the rents and profits thereof, should enable the company, after paying all repairs and other necessary expenses, to divide more than nine per centum per annum on the capital stock expended, then, and in such case, the tolls shall be so reduced that the dividends shall not exceed nine per cent. and shall so continue for five years; and if at the expiration of that time, shall exceed fifteen per cent. they shall be so reduced

Governor to appoint commissioners to view locks & navigation.

License to take toll, when to be issued.

Rates of toll

Provided

as not to exceed fifteen per cent. and shall at that period be so regulated, from time to time, as not to exceed fifteen per cent. per annum, and if at any time after the expiration of two years from the completion of the said work, the nett profits aforesaid shall not amount to nine per cent. upon the money expended, it shall be lawful to raise the said tolls so as to divide nine per cent.

Mode of ascertaining the size of rafts and arks and tonnage of boats.

To be marked when ascertained.

SECT. 13. *And be it further enacted by the authority aforesaid.* That in order to ascertain the size of rafts, arks, and the tonnage of boats, using and passing the said canal and lock navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner or supercargo of such boat or raft, or of the collector of the said tolls at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said rafts and arks, and the tonnage the said boat is capable of carrying, and to mark the said tonnage so ascertained in figures upon the head and stern of the said boat, in colors mixed with oil, and that the said boat or vessel so measured and marked, shall be permitted to pass through the said canal and locks for the price, per ton, to which the number of tons so marked on her shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner or supercargo of any raft, ark, or boat, shall decline choosing a person resident within two miles of the place where the said toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or raft shall be permitted to pass the place where such toll is made payable by the said president and managers.

Master of boat, &c. to blow a trumpet or horn.

Penalty for not opening locks.

SECT. 14. *And be it further enacted by the authority aforesaid.* That it shall be the duty of the master or commander of any boat, ark or other vessel, intending to pass through said canal, when they shall arrive within one-fourth of a mile from any lock so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock shall attend for the purpose of opening the gate or sluice to let the said boat, ark or other vessel pass without unnecessary delay and in safety; and if any boat, ark or other vessel, shall be prevented from passing up or down any of said locks or sluices by reason of the lock not being raised, for more than thirty minutes, the president, managers and company, shall, on conviction thereof before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time.

SECT. 15. *And be it further enacted by the authority aforesaid.* That if the president, managers and company, shall neglect or

refuse to keep in good order or repair, any dam, lock or sluice, of their own construction, or shall neglect to remove any obstacle that may occur so that boats, arks, rafts or other vessels may at all times safely navigate the said canal, the president, managers and company shall for each and every such offence, forfeit and pay the sum of fifty dollars, to be recovered in the same manner as debts of equal amount are by law made recoverable, before a justice of the peace of the proper county where the offence shall be committed, one half to the use of the informer and the other half to the use of the poor of the township or county where the neglect may occur.

Penalty for not keeping dams and locks in repair.

How recoverable.

SECT. 16. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully and knowingly, do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate, canal, engine, machine or device, thereunto belonging, or any machinery or property of the company shall be injured or damaged, he, she or they, so offending, shall forfeit and pay to the said company fourfold the damages by them sustained, together with costs, to be recovered by action of debt before a justice of the peace, or in any court of competent jurisdiction.

Penalty for injuring works.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the president and managers of the said company shall keep fair and just accounts of all monies received by them from said commissioners, and from the subscribers to the said undertaking on account of the several subscriptions, of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid, and also of all monies by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders, at their annual meeting, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation, or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened for the purpose, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the monies for shares so subscribed, in like manner and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided by their bye-laws.

Accounts to be kept and liquidated.

In what case number of shares may be increased.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the said president, managers and company shall also keep a just and true account of all the monies received by their several and respective collectors of tolls, in the several and respective locks, and all the monies received for the use, rent or hire of water power, and all other emoluments; and shall make and declare a dividend of the clear profits and income thereof, among all the stockholders, all contingent costs and charges being first

Account of tolls to be kept.

Dividends to be declared.

When to be
paid.

Limitation
for commenc-
ing and com-
pleting the
work.

Proviso.

2d Proviso.

deducted, and shall on the first Monday in January and the first Monday in July, every year, publish the half yearly dividends made of the clear profit and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly; and shall, on or before the fourth Monday in January, in every period of three years from the passing of this act, lay an abstract of the accounts of their receipts and disbursements before the legislature, under oath or affirmation of the president of the company.

SECT. 19. *And be it further enacted by the authority aforesaid,* That if the president, managers and company, shall not proceed to carry on the work within seven years from the passage of this act, and shall not complete the same in fifteen years according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, liberties, privileges and franchises, hereby granted to said company, shall revert to the commonwealth: *Provided always,* That in case of forfeiture or resumption by the legislature of the rights, liberties, privileges and franchises, hereby granted, nothing herein contained shall be construed to work a forfeiture of the rights of individuals to water power under grants made by the president, managers and company, but the same shall be held by individuals in as full and ample a manner as they might do if no such forfeiture or resumption had taken place; and in lieu of such resumption, the principal sum paid or secured to be paid, when the conveyance has been in fee simple, and the accruing rents and profits, when the said water power has been let for one or more years, shall be forfeited to the commonwealth: *And provided, also,* That if the said company shall at any time hereafter misuse or abuse any of the chartered privileges hereby granted, the legislature may at any time thereafter resume all and singular the rights, privileges and franchises, hereby granted to the said company.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIRSTER.

CHAPTER CLXXVI.

A Supplement

To an act entitled, "An act directing the formation of a Map of Pennsylvania," passed nineteenth March, one thousand eight hundred and sixteen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the secretary of the commonwealth and the surveyor general be and they are hereby authorised and required, as soon as conveniently may be, to take possession of all the plates, prints, and other property of this commonwealth, which was in the possession of the late John Melish, and now in the possession of his legal representatives.

Sec. of Com.
and Surveyor
Gen. author-
ised to take
possession
of plates, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the secretary of the commonwealth and surveyor general be and they are hereby authorised and required to contract with some suitable person, to continue the publication of the state map, agreeably to the provisions of the act to which this is a supplement; and the said secretary and surveyor general shall deliver to the person with whom they shall so contract, all the plates, prints, and other property of the state aforesaid, who shall give security, make settlements, and do all other matters and things in the premises agreeably to the provisions of the act to which this is a supplement; and said publisher shall have the superintendence of the sales of the state map, and shall be entitled to the commission or per centum provided for that service by the act to which this is a supplement.

Authority to
contract for
the contin-
uance of the
publication
of state map.

Duty of con-
tractors, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if, in the discharge of the duties required by this act, the secretary of the commonwealth and surveyor general shall deem it necessary to employ counsel and bring suit, they are hereby vested with full power so to do, for which and his services, the said counsel shall be paid out of the state treasury, on a warrant or warrants drawn by the governor for that purpose, in the usual way.

Authority to
employ coun-
sel.

Compensa-
tion.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junr.*
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER,

CHAPTER CLXXVH.

AN ACT

To authorise the making of certain indexes.

Index of the
record of
deeds, &c. in
Chester coun-
ty. authoris-
ed to be
made.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Chester be and they are hereby authorised, if they deem it necessary, to direct the recorder of deeds, in the said county, as soon as convenient, after passage of this act, to purchase a book or books and make, or cause to be made therein, a correct index of the deeds and other instruments of writing relating to lands, tenements, or hereditaments, contained in the several record books within the said office, in which index the name and names of the several grantees in such deeds and records shall be first stated and arranged in alphabetical order.

Expenses in-
curred, how
paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the expense of purchasing such book or books for such index, and the expense of making such index, shall be paid for out of the funds of the said county, on warrants to be drawn on the county treasurer by the commissioners of the said county, and it shall be the duty of the said recorders of deeds of said county, to hereafter keep up, at their own proper costs and charges, the index as provided for in the foregoing section of this act, and deliver the same to their successors in office, in the manner in which they are required to deliver over the other records of their offices.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—April the first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

RESOLUTIONS.

CHAPTER I.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That William R. Smith, of the Senate, and Jacob Holgate, of the House of Representatives, be a committee to correspond with George M. Dallas, of the city of Philadelphia, who is hereby authorised to take charge of the copper plates of the state map, and also of all the copies of the state map, belonging to the commonwealth, now in the hands of the representatives of John Melish, deceased, and to deposit the same in some proper place, subject to the order of the surveyor general. And in case of a refusal to deliver them on demand, the said George M. Dallas is hereby authorised to take such lawful measures as he may deem necessary, to effect the object contemplated by this resolution, and make report to the legislature as soon as may be.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—January the sixteenth, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER II.

Resolution

Relative to the fines assessed for the non-performance of militia duty,
during the late war with Great Britain.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*,
That the Legislature do accept of the provisions of the act of Congress, entitled "An act vesting in the State of Pennsylvania the right of the United States, to all fines assessed for the non-performance of militia duty, during the late war with Great Britain."

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER III.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*,
That the Clerk of the Senate be and he is hereby instructed to obtain from the office of the Secretary of the Commonwealth, for the use of the Senate, ten copies, and the Clerk of the House of Representatives, for the use of the House of Representatives, thirty copies, of the sixth and seventh volumes of the revised laws of Pennsylvania.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER IV.

Resolution

Authorising the distribution of the sixth and seventh volumes of the laws of Pennsylvania, and pamphlet laws of Congress.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Secretary of the Commonwealth of Pennsylvania be authorised and directed to dispose of the sixth and seventh volumes of the laws of Pennsylvania, edited by Joseph Reed, Esquire, as follows: To the President of the United States, one copy, to the secretary of state, two copies, one to be deposited in his office, the other in the library for the use of both houses of congress, to the attorney general of the United States, one copy, to the secretary of the senate of the United States, for the use of senate, one copy, to the clerk of the house of representatives of the United States, for the use of said house, one copy, to the executive of each state in the Union, for the use of their respective legislatures, one copy, to the governor of this commonwealth, secretary of the commonwealth, attorney general, state treasurer, auditor general, secretary of the land office, and surveyor general, each one copy for the use of their respective offices; to the judges of the supreme court, judges of the district courts, and presidents and associate judges of the courts of common pleas, mayor and recorder of the cities of Philadelphia, Lancaster and Pittsburg, each one copy; to each board of county commissioners, one copy, to the members of the senate, clerk, assistant clerk thereof, each one copy, to the members of the house of representatives, clerk, assistant clerk thereof, each one copy, to prothonotaries of the supreme court, and courts of common pleas, clerks of the courts of quarter sessions and orphans' courts, clerk of the mayors' court of Philadelphia, Lancaster and Pittsburg, Register of wills and recorders of deeds, one copy each for the use of their respective offices; to the board of inspectors of the jail and penitentiary house of Philadelphia, one copy, to each deputy attorney general, one copy for the use of their offices, and to be delivered to their successors respectively: *Provided*, That no person shall be entitled to more than one copy by reason of his holding two or more offices, and the remainder of the copies of said edition shall be retained in the office of the secretary of the commonwealth, subject to the future disposition of the legislature.

SECT. 2. *And be it further resolved by the authority aforesaid*, That the secretary of the commonwealth be and he is hereby requested to dispose of the pamphlet laws of congress, remaining in his office, of the second and third session of the thirteenth congress, of the first and second session of the fourteenth congress, of the first and second session of the fifteenth congress, of the first and second session of the sixteenth congress, and of the first session of the seventeenth congress, one copy of said laws to each of the members of the senate, and one copy to each of

Sixth and seventh volumes of the revised laws of Pennsylvania to be distributed.

Pamphlet laws of congress to be distributed

CHAPTER II.

Resolution

Relative to the fines assessed for the non-performance of militia duty, during the late war with Great Britain.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Legislature do accept of the provisions of the act of Congress, entitled "An act vesting in the State of Pennsylvania the right of the United States, to all fines assessed for the non-performance of militia duty, during the late war with Great Britain."

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER III.

RESOLVED, *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Clerk of the Senate be and he is hereby instructed to obtain from the office of the Secretary of the Commonwealth, for the use of the Senate, ten copies, and the Clerk of the House of Representatives, for the use of the House of Representatives, thirty copies, of the sixth and seventh volumes of the revised laws of Pennsylvania.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the eighteenth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER IV.

Resolution

Authorising the distribution of the sixth and seventh volumes of the laws of Pennsylvania, and pamphlet laws of Congress.

RESOLVED, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,

That the Secretary of the Commonwealth of Pennsylvania be authorised and directed to dispose of the sixth and seventh volumes of the laws of Pennsylvania, edited by Joseph Reed, Esquire, as follows: To the President of the United States, one copy, to the secretary of state, two copies, one to be deposited in his office, the other in the library for the use of both houses of congress, to the attorney general of the United States, one copy, to the secretary of the senate of the United States, for the use of senate, one copy, to the clerk of the house of representatives of the United States, for the use of said house, one copy, to the executive of each state in the Union, for the use of their respective legislatures, one copy, to the governor of this commonwealth, secretary of the commonwealth, attorney general, state treasurer, auditor general, secretary of the land office, and surveyor general, each one copy for the use of their respective offices; to the judges of the supreme court, judges of the district courts, and presidents and associate judges of the courts of common pleas, mayor and recorder of the cities of Philadelphia, Lancaster and Pittsburg, each one copy; to each board of county commissioners, one copy, to the members of the senate, clerk, assistant clerk thereof, each one copy, to the members of the house of representatives, clerk, assistant clerk thereof, each one copy, to prothonotaries of the supreme court, and courts of common pleas, clerks of the courts of quarter sessions and orphans' courts, clerk of the mayors' court of Philadelphia, Lancaster and Pittsburg, Register of wills and recorders of deeds, one copy each for the use of their respective offices; to the board of inspectors of the jail and penitentiary house of Philadelphia, one copy, to each deputy attorney general, one copy for the use of their offices, and to be delivered to their successors respectively: *Provided*, That no person shall be entitled to more than one copy by reason of his holding two or more offices, and the remainder of the copies of said edition shall be retained by the office of the secretary of the commonwealth, subject to the future disposition of the legislature.

Sec. 2. And be it further resolved by the authority aforesaid, That the secretary of the commonwealth be and he is hereby requested to dispose of the pamphlet laws of congress, remaining in his office, of the second and third session of the thirteenth congress, of the first and second session of the fourteenth congress, of the first and second session of the fifteenth congress, of the first and second session of the sixteenth congress, and of the first session of the seventeenth congress, one copy of said laws to each of the members of the senate, and one copy to each of

Sixth and seventh volumes of the revised laws of Pennsylvania to be distributed.

Pamphlet laws of congress to be distributed.

the members of the house of representatives; also to transmit one copy to the prothonotaries of the several courts of common pleas, to be deposited in their respective offices, and also one copy each to the other officers of this commonwealth, enumerated in the foregoing section.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER V.

RESOLVED, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Secretary of the Commonwealth and the Surveyor General, may permit Henry S. Tanner, of the city of Philadelphia, to have the use of the surveys of the different counties of this commonwealth, which were furnished to the late John Melish; also the use of the state map, to enable the said Henry S. Tanner to improve the map of Pennsylvania, forming a part of the American Atlas, which he is now constructing and preparing for publication. And the Secretary of the Commonwealth and the Surveyor General are hereby required to take sufficient security from the said Henry S. Tanner, that the said surveys shall be returned within a reasonable time and uninjured.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

CHAPTER VI.

Resolution

Relative to the erection of shelves in the State Library.

RESOLVED, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the clerks of the two houses be and they are hereby directed to contract with some suitable person to construct and put up, under the direction of the library committee, suitable shelves for the better preservation and convenience of the state library.

Shelves to be erected in the state library.

Resolved, That the sum of four hundred dollars is hereby appropriated to carry the foregoing resolution into effect previous to the meeting of the next legislature, and that the further sum of one hundred and fifty dollars is hereby appropriated for the purpose of binding and repairing such books in the state library, as in the opinion of the library committee may require the same, which said sum shall be paid on warrants drawn by the chairman of the joint library committee, and countersigned by the speaker of the house of representatives.

\$400 appropriated.

\$150 appropriated for binding and repairing books.

Money how to be drawn.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—March the thirty-first, one thousand eight hundred and twenty-three.

JOSEPH HIESTER.

I CERTIFY, That in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during their last session.

ANDREW GREGG, *Secretary.*

SECRETARY'S OFFICE,
Harrisburg, May 12, 1823.

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ACTS
OF THE
General Assembly
OF THE
COMMONWEALTH
OF
PENNSYLVANIA,

PASSED AT A SESSION WHICH WAS BEGUN AND HELD

AT THE

Borough of Harrisburg,

ON

TUESDAY, THE SECOND DAY OF DECEMBER,

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE

AND OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA

THE FORTY-EIGHTH.

PUBLISHED BY AUTHORITY.

HARRISBURG:

PRINTED BY MOWRY & CAMERON,

1824.



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OF THE
GENERAL ASSEMBLY.

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ACTS
OF THE
GENERAL ASSEMBLY
OF
Pennsylvania.

Chapter I.

AN ACT

Allowing Charles Treziulney to copy certain drafts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That the Surveyor General be and he is hereby directed to permit and suffer Charles Treziulney, of Centre county, to take copies of drafts in his office, for the purpose of aiding him in the construction of his map of Centre county, without any fee for the same: Provided, That if the Surveyor General is of opinion that the said Charles Treziulney is in any way abusing the privilege hereby granted, he is empowered to suspend him in the exercise of the same.*

JOSEPH LAWRENCE, Speaker
of the House of Representatives

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-fourth day of December, one thousand eight hundred and twenty-three.

J. ANDW. SHULZE.

Chapter II.

AN ACT

To authorise the executor of Elizabeth King, deceased, to sell certain house and lot.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Thomas M'Dowell, executor of the last will and testament of Elizabeth King, late of Franklin county, deceased, be and he hereby is authorized to sell a certain house and lot, situated in the town of Mercersburg, in said county, and convey all the right, title and interest which the said Elizabeth King had in the premises, at the time of her decease, to the purchaser or purchasers thereof, as fully and effectually as the said deceased might or could have done in her life time; and the proceeds arising from said sale shall be applied by the said executor, in the manner directed by the last will and testament of the said Elizabeth King: *Provided,* That the said Thomas M'Dowell shall first enter into a recognizance, in the orphans' court of Franklin county, with sufficient surety or sureties, to the satisfaction of the said court, conditioned for the faithful discharge of the trust herein granted.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Jun.

Speaker of the Senate.

APPROVED—the twenty-fourth day of December, one thousand eight hundred and twenty-three.

J. ANDW. SHULZE.

Chapter III.

A SUPPLEMENT

To an act, entitled "An act to establish an academy in the borough of Orwigsburg, in the county of Schuylkill, and to grant a sum of money thereto."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General*

Assembly met and it is hereby enacted by the authority of the same,
That from and after the passage of this act, the trustees of the
Orwigsburg academy shall, from time to time, admit as many
poor children into the said academy, to be taught gratis, as
the fund and resources already provided by the act to which
this is a supplement will admit of, any thing in the said act
to which this is a supplement, to the contrary notwithstanding.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-fourth day of December, one thousand
eight hundred and twenty-three.

J. ANDW. SHULZE,

Chapter IV.

AN ACT

To vest in Margaret Davieson the estate of her son David M'Corkhill,
late of the county of Chester, deceased,

SECT. I *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*
That all the right, title, interest, claim and demand of this
Commonwealth, of, in and to the estate, real and personal, of
David M'Corkhill, deceased, who died without heirs or any
known kindred, be and the same is hereby vested in his mother,
Margaret Davieson, her heirs and assigns, forever: *Provided,*
That nothing herein contained, shall in any wise prejudice the rights of individuals, or impair any other title to the
said real and personal estate, than that which the Commonwealth has or might have acquired by escheat.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fourth day of December, one thousand
eight hundred and twenty-three.

J. ANDW. SHULZE.

Chapter V.

AN ACT

Authorising Thomas Cadwallader, committee of the person and estate of Williamina Weems Travis, a lunatic, to sell her real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Thomas Cadwallader, committee of the person and estate of Williamina Weems Travis, of the city of Philadelphia, single woman, be and he is hereby authorized and empowered to sell, at public or private sale, at such time and upon such terms as shall appear to him to be most for the interest of the said estate, the whole or any part of the share, interest or purpart of the said Williamina Weems Travis, in any lands, tenements or hereditaments within this Commonwealth, which descended or came to her on the part of her father, John Travis, or on the part of her mother, Elizabeth Travis, both formerly of the said city, deceased, or from or on the part of any other person or persons whomsoever, and which is now held, in common, with Ann B. Travis, Frances B. Travis, and Elizabeth L. Travis, sisters of the said Williamina, and to make and execute a sufficient deed or deeds to the purchaser or purchasers of the same, which deed or deeds shall, by virtue hereof, convey the like interest, and have the same force and effect as if the said Williamina Weems Travis were of sound mind and the same was or were duly made and executed by her: *Provided, always,* That the said Thomas Cadwallader, previous to making a sale in pursuance of this act, shall enter into a bond, with sufficient security, before the court of common pleas in and for the city and county of Philadelphia, conditioned for the proper application of all moneys arising from such sale or sales, according to the direction of the court of common pleas aforesaid.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-sixth day of December one thousand eight hundred and twenty-three.

J. ANDW. SHULZE.

Chapter VI.

AN ACT

For the relief of Elizabeth Manson, widow of John Manson, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorized and required to pay to Elizabeth Manson, of Washington county, widow of John Manson, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-sixth day of December, one thousand eight hundred and twenty-three.

J. ANDW. SHULZE.

Chapter VII.

A SUPPLEMENT

To the act, entitled “An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public moneys, and for other purposes.”

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passing of this act, instead of choosing a teller in each branch of the Legislature, and furnishing each other with a minute thereof, three days previous to the election of a State Treasurer, on the second Tuesday in January annually, it shall be competent for the Senate and House of

Relative to
the election
of the State
Treasurer.

Representatives to make such choice, and furnish each other with a minute thereof on the day of, or prior to such election.

Repeal.

SECT. 2. *And be it further enacted by the authority aforesaid, That so much of the act to which this is a supplement as is hereby altered and supplied, be, and the same is hereby repealed.*

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twelfth day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter VIII.

AN ACT

To authorize the provisional county of Jefferson to elect county commissioners, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the citizens of the county of Jefferson, who are or shall be qualified to elect members of the Legislature, agreeably to the constitution and laws of this commonwealth, shall, at the ensuing general election, to be held on the second Tuesday of October next, at their respective election districts, in said county, elect three county commissioners, who, when duly elected and qualified to enter upon the duties of their offices, shall have all and singular such authorities and privileges with respect to their county, and shall receive such compensation as commissioners elected in and for other counties in this commonwealth have by law; and the duration of office of the said commissioners respectively, shall be determined in like manner, and their places supplied as is directed by law on the erection of a new county; and, on the election of said commissioners, the powers of the commissioners of Indiana county shall cease and determine in the said county of Jefferson, except as to selecting jurors; and the citizens qualified as aforesaid shall, at their respective election districts, on

Electors of
Jefferson co.
to elect three
commission-
ers.

Their duties
and privileg-
es, &c.

the second Tuesday of October, in the year one thousand eight hundred and twenty-five, elect three reputable citizens, to be auditors for adjusting and settling the accounts of the preceding year, agreeably to law in such cases: *Provided*, That the lowest in vote of the said county commissioners, and also the lowest in vote of the said county auditors, shall only serve one year; the next lowest, two years; whose places respectively shall be supplied according to the laws of this commonwealth:

Auditors to be elected.

Proviso.

Provided, always, That all and singular the costs and expenses in laying out and opening roads; all costs chargeable to the county of Jefferson, arising from criminal prosecutions instituted against persons within said county; and all other costs and expenses incidental to said county, and which of right should be paid by the same, on account of the jurisdiction of the several courts of Indiana county, and the authority of the judges thereof extending over the said county of Jefferson, shall be paid by the said county of Jefferson, on warrants drawn by the commissioners of Indiana county, and countersigned by the commissioners of the county of Jefferson.

2d *Proviso.*

SECT. 2. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said commissioners of the county of Jefferson, or their successors, to call on the commissioners of the county of Indiana, for the purpose of examining, liquidating and receiving such balances as shall be found due to the said county of Jefferson; and if, on such examination, it be found that a balance is due from the county of Jefferson, to the county of Indiana, then it shall be the duty of the commissioners of Indiana county, to call on the commissioners of Jefferson county and receive said balance.

Duties of the commissioners, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said county commissioners and auditors so elected, shall hold their office and transact the public business as commissioners and auditors of said county, at such place as shall be fixed upon by a majority of the commissioners first elected in said county of Jefferson, until the seat of justice is ascertained, and thereafter at the seat of justice.

Of the place for holding their office.

SECT. 4. *And be it further enacted by the authority aforesaid*, That so much of any act or acts of the General Assembly of this Commonwealth, as is altered or supplied by this act, be and the same is hereby repealed.

Former acts repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-first day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE,

Chapter IX.

A SUPPLEMENT

To an act, entitled "An act giving additional powers to, and changing the mode of appointment of the inspectors of the prison of Philadelphia, and for other purposes," passed the twenty-third day of February, one thousand eight hundred and nine.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That all vacancies which shall occur in the board of inspectors of the prison for the city and county of Philadelphia, by death, resignation, or otherwise, shall be filled in the following manner, to wit: The president of the board of inspectors of the said prison, when any vacancy shall occur as aforesaid, shall give notice, in writing, to the presiding officer or officers of the corporate body or board by which the person or persons whose place or places has or have been vacated, as aforesaid, was or were elected, requiring the said corporate body or board to supply the vacancy or vacancies aforesaid, within ten days after such notice given, by the choice of one or more persons duly qualified by law, to be inspectors for the prison of the city and county of Philadelphia, which person or persons, so chosen as aforesaid, shall be entitled to all the rights and subject to the like duties, as the other inspectors are by the several acts of this Commonwealth.

Manner of filling vacancies in the board of inspectors.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the inspectors of the prison for the city and county of Philadelphia be, and they are hereby authorized and required to appoint one physician for the prison situated in Arch-street, in said city.

A physician to be appointed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-first day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter X.

AN ACT

To repeal an act, entitled "A supplement to an act entitled An act declaring the rivers Codorus and Conewago, in the county of York, public highways, and for other purposes therein mentioned."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the supplement to an act, entitled An act declaring the rivers Codorus and Conewago, in the county of York, public highways, passed the fourteenth day of January, one thousand eight hundred and eighteen, be, and the same is hereby, repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty first day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XI.

AN ACT

To authorize the Governor to incorporate the president, managers and company of the Mount Pleasant turnpike road, of Wayne county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Benjamin King, James Manning, Gersham Williams, Luther Stark and Thomas Lilibridge, of the county of Wayne, be, and they are hereby appointed commissioners, to Commission-
ers appointed to receive subscriptions of stock.

do and perform the several things hereinafter mentioned, *that is to say*, they shall on or before the first Monday of August next, procure one or more books and enter therein as follows: "We whose names are hereunto subscribed do promise to pay the president, managers and company of the Mount Pleasant turnpike road, the sum of twenty-five dollars, for each, and every share of stock in said company, set opposite to our respective names, in such manner and proportion and at such times and places as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this Commonwealth, entitled "An act to authorize the Governor to incorporate the president, managers and company of the Mount Pleasant turnpike road of Wayne county," and shall thereupon give notice in one of the public newspapers printed in Bethany, two weeks at least, of the times and places, when and where the said books shall be opened to receive subscriptions, for the stock of the said company; at which respective times and places, two or more of the said commissioners shall attend, and shall permit and suffer all persons of lawful age, who shall offer to subscribe in the said books, in their own names, or in the names of any other persons, who shall duly authorize the same, for any number of shares in the said stock, and said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of two days, or until the books shall have three hundred shares therein subscribed; and if, at the expiration of the said two days, the books aforesaid shall not have the number of shares aforesaid, therein subscribed, the said commissioners may adjourn, from time to time, until the whole number of shares shall be subscribed, of which adjournments the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed in the said books shall amount to three hundred, the same shall be closed.

SECT. 2. *And be it further enacted by the authority aforesaid,*

Notice of the times and places of opening books to be given.

Who may subscribe.

Number of shares to be subscribed.

When letters patent may issue.

Style of the company.

Powers and privileges.

That when twenty persons or more have subscribed one hundred and fifty shares of the said stock, the commissioners shall certify under their hands and seals to the Governor, the names of the subscribers and the number of shares subscribed by each, and that five dollars on each share has been paid to the commissioners; and thereupon it shall and may be lawful for the Governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president managers and company of the Mount Pleasant turnpike road of Wayne county;" and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to

a corporation, for the purpose of making and completing the said road, and for no other purpose whatever; and shall be capable of taking and holding their said capital stock, and increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns; and of selling, transferring and conveying, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do for the purposes aforesaid.

SECT. 3. *And be it further enacted by the authority aforesaid,*

That the commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be obtained, shall give notice in one newspaper, most convenient to the route of the said road, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, one president and ten managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company, for one year, and until such other officers shall be chosen; and the said managers and their successors so chosen, annually on the second Monday of January, in each year, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and this state, as shall be necessary for the well ordering the affairs of the said company; and generally have like powers, authorities and privileges, necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company of the Coshecton and Great Bend turnpike road; and the said Mount Pleasant turnpike road of Wayne county, shall commence at the Bethany and Dingman's Choice Turnpike Road, at or near Benjamin King's, in the township of Mount Pleasant, in the county of Wayne, and thence to the north line of this state, in a direction to Deposit, on the Delaware river: *Provided*, That if the said company shall not proceed to carry on the said work, in three years after the passing of this act, or shall not, within six years afterwards, complete the said road, according to the true intent and meaning of this act, then, in either of these cases, all and singular the rights, liberties and franchises

Notice of the time and place for organizing the corporation to be given.

Officers to be chosen.

Their power.

To have all the powers, &c. of the Coshecton & Great Bend turnpike road company.

Route of the turnpike road.

Proviso, as to the time for commencing & completing the road.

hereby granted to the said company, shall cease and determine.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fourth day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XII.

AN ACT

Vesting a title to a certain tract of land in trustees, for the benefit of the Lutheran and Presbyterian congregations of Shade township, in the county of Somerset.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the officers of the Land office are hereby authorised and required to issue a warrant and patent, free of the purchase money and fees, for twenty-nine acres and one hundred and forty-five perches of land, situate in Shade township, in the county of Somerset, adjoining lands of John Statler, John Stump and others, to John Statler, Jacob Moses and Samuel Statler, and their successors, in trust, and for the sole use and benefit of the congregations of Shade township, in Somerset county, composed of the Presbyterians and Lutherans.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fourth day of January, one thousand eight hundred and twenty-four:

J. ANDW. SHULZE

Chapter XIII.

A SUPPLEMENT

To an act, entitled "An act concerning certain election districts."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the electors residing within the limits of North Ward, in the borough of York, Places where elections are to be held in the borough of York. shall, on the day prescribed by law, hold their election for inspector of the general election, and assessors, in the north wing of the court house, in the said borough; and the electors residing within the limits of South Ward, in the said borough, shall, on the day aforesaid, hold their election for inspector and assessors, in the south wing of the said court house; and the electors of the said wards shall hereafter be only entitled to vote for inspector and assessors in the wards wherein they respectively reside.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the thirty-second section of the act to which this is a supplement, passed the second of April, one thousand eight hundred and twenty-two, as is hereby altered, be and the same is hereby repealed. Repeal.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-fourth day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XIV.

AN ACT

For the relief of Mary Vanostrand.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

§ 20 to be
paid to Mary
Vanostrand.

That the State Treasurer be and he is hereby authorised and required to pay to Mary Vanostrand, or order, the sum of twenty dollars, to which her illegitimate son, William Stone, deceased, was entitled, by the act entitled "An act making further provision for the militia and volunteers of this state, in the service of the United States, passed the twenty-ninth day of March, one thousand eight hundred and thirteen."

Estate of W.
Stone vested in Mary
Vanostrand.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all the right, interest, claim and demand, of, in and to, the estate, real and personal, of the said William Stone, who died without heirs or any known kindred, be, and the same is, hereby vested in his mother, Mary Vanostrand, her heirs and assigns, forever: *Provided always,* That nothing in this section contained, shall be construed to prejudice the rights of individuals, or impair any other title to any real or personal estate than that which this commonwealth has or may acquire as the escheated estate of the aforesaid William.

Proviso.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XV.

AN ACT

For the relief of Simon Krewson, Joseph Dearman and John Blake, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and

required, to pay to Simon Krewson, one hundred dollars; to Joseph Dearman, one hundred dollars; and to John Blake, one hundred dollars, respectively, of Philadelphia county, or to their respective orders, immediately after the passage of this act, in full for their services and sufferings in the revolutionary war.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of February, one thousand eight hundred twenty-four.

J. ANDW. SHULZE.

Chapter XVI.

AN ACT

For the relief of John Waters, Edward Peart and Thomas Dobson, revolutionary soldiers.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorized and required, to pay to John Waters and Edward Peart, of Philadelphia county, or their respective orders, each forty dollars, immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

Gratuity and annuity to John Waters and Edward Peart.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorized and required, to pay to colonel John Haas, or order, of Northumberland county, forty dollars immediately, and an annuity of forty dollars, payable half yearly, for the use of Thomas Dobson, of said county, a revolutionary soldier, during life, to

Ditto for the use of Thomas Dobson.

commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XVII.

-AN ACT

Authorising the laying out a state road, commencing at Armat's landing, on the Delaware river, in Northampton county, and to end on the Easton and Bellmont turnpike, in Wayne county.

Commissioners appointed to lay out a road.

Route.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Evan Thomas, of Northampton county; John Price, of Pike county; and John Clemmens, of Wayne county, be and they are hereby appointed commissioners, to view and lay out and mark a state road, from Armat's landing, on the river Delaware, at the Water Gap, in Northampton county, by way of Cherry creek bridge, Bell and Thomas' mills, and on a direction to Samuel Price's, in Pike county, and near Robert Bortree's, in Wayne county, to the Easton and Bellmont turnpike road, at or near Harry Harman's, on the nearest and best route.

Commissioners to be under oath.

Their compensation.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties enjoined on them, by this act; and they shall receive one dollar and fifty cents for each day they shall necessarily be employed in said work, together with a reasonable allowance for chain carriers and axe-men; and the accounts of the said com-

missioners shall be adjusted and settled by the respective commissioners of the counties through which the road shall pass; and the expenses shall be paid by the respective counties, in proportion to the distance it shall pass through the same, which moneys shall be paid by warrants drawn by the commissioners of the respective counties, and paid by the treasurers. Expenses how paid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, after performing the duties required of them by this act, to make out a draft of said road, to be deposited in the office of the Secretary of the Commonwealth; and they shall also deposit a copy of said draft in the office of the clerk of the courts of quarter sessions of the respective counties through which the said road may pass, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as other roads are opened and repaired, which are laid out by order of the court of quarter sessions of the counties aforesaid; and the said commissioners appointed by this act, shall perform the duties required of them, on or before the first Monday of October next. Drafts to be made.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case of the death of either of the commissioners named in the first section of this act, or refusal to take upon themselves the duties enjoined on them by this act, then the Governor is hereby authorised to appoint a suitable person or persons to fill the vacancy. Vacancies how supplied.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the third day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XVIII.

AN ACT

Relating to taxes on certain real estate, in the city and county of Philadelphia.

Taxes to be a lien on real estate.

Lien to have priority to recognizances, &c.

Proceedings where taxes, rates or levies shall remain in arrear and unpaid, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That all taxes, rates and levies, which may hereafter be lawfully imposed or assessed, to be applied for any purposes, either in the city or county of Philadelphia, on real estate, situate in the said city and county of Philadelphia, shall be, and they are hereby declared to be a lien on the said real estate, on which they may hereafter be imposed or assessed, together, also, with all additions to and charges on the said taxes, rates and levies, which by the provisions of this act are directed to be made; and that the said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility, which the said real estate may become charged with or liable to, from and after the passing of this act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That whenever any taxes, rates or levies, which may hereafter be lawfully imposed or assessed as aforesaid, shall remain in arrear and unpaid on the first day of April, in the year following that in which the said taxes, rates or levies may have become due and payable, it shall be, and it is hereby declared to be, the duty of the collector or agent authorised to collect and receive the said taxes, rates or levies, forthwith to deliver to the commissioners of the county of Philadelphia, a true and accurate list or schedule of the said taxes, rates or levies, so due and unpaid, together with the name or names of the person or persons charged in the duplicate with the same; and also a description of the estate and property on which the said taxes, rates or levies shall have been, as aforesaid, imposed or assessed, setting forth, in the same, the name of the ward, district or township in which the said estate may be, together with the name or names of the owner or owners of the adjoining or contiguous estate or property; and also, that the said taxes could not be collected, although the said collector or agent has been diligent in endeavoring to collect and obtain the same; of the truth of all which facts the said collector or agent shall make affidavit, before a justice of the peace or an alderman of the city of Philadelphia, which said affidavit shall be annexed to and shall be filed with the list or schedule aforesaid, in the office of the said commissioners.

SECT. 3. *And be it further enacted by the authority aforesaid,* That upon all taxes, rates or levies, which may hereafter be

lawfully imposed or assessed, on real estate in the city and county of Philadelphia, and which shall remain unpaid on the first day of April, in the year following the year in which the said taxes, rates or levies may have become due and payable, there shall be charged and added to the amount of the said taxes, and upon each and every amount thereof, at the rate of six per centum, until said taxes are paid, which said charges and additions are hereby declared to be a lien as aforesaid, on the said real estate, on which the said tax, rate or levy, shall hereafter be imposed or assessed, to the same extent and in the same manner as the said tax, rate or levy shall hereafter be a lien on the said real estate, according to the provisions of this act: *Provided always, and it is hereby enacted*, That it shall be the duty of each and every collector or agent, authorised to collect taxes, rates and levies, at least thirty days before the first day of April, in the year following the year in which the said taxes, rates or levies may have become due and payable, to leave a notice, printed or written, at the place of residence of the person or persons charged in the duplicate, with the said taxes, rates and levies, on real estate, which shall be unpaid, and at the place of residence of all and every person who may be known to be the agent for or have charge of the said real estate, if any such person or persons, or his, her or their place of abode can be found, which said notice shall be signed by such collector or agent, and shall set forth, that the taxes, rates or levies, on such real estate, are unpaid, and that if they are not paid to such collector or agent before the first day of April following, the same will be registered according to the provisions of this act, and that an addition of six per centum on such taxes, rates and levies will be charged thereon, until paid; a copy of which notice, and an affidavit of the service thereof, or that the said person or persons, or his, her or their place of residence could not be found, shall be filed in the office of the commissioners, with the aforesaid list or schedule.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commissioners of the county of Philadelphia, to keep a fair and correct register in a book or books to be opened by them for that purpose, and to be called "The Register of unpaid taxes on real estate," in which they shall enter all taxes, rates or levies, lists or schedules of which shall be delivered to them in conformity with the provisions of this act.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commissioners of the county of Philadelphia at all times, on demand made of them, within the hours during which their office shall be opened for the transaction of business, to make out and furnish a transcript or extract from the register of unpaid taxes, aforesaid, which shall truly set forth the taxes, rates or levies, due and unpaid upon any real estate, according as the same may appear in the said

Where taxes remain unpaid an addition of 6 per cent. is to be made.

The addition to be a lien on the real estate.

Duty of collectors, &c. if taxes be not paid.

Register of unpaid taxes on real estate to be kept by commissioners.

Duty of the commissioners of the county of Philadelphia.

register, and which said transcript or extract shall be certified by the clerk or one of the assistant clerks of the said commissioners; and any person demanding and receiving the same, shall pay to the said commissioners of the county of Philadelphia, the sum of twenty cents, which shall be paid over by the said commissioners, to the county treasurer, for the purpose of defraying the said expenses attending the registering of taxes, according to the provisions of this act.

SECT 6. *And be it further enacted by the authority aforesaid,*

Collectors
or agents au-
thorised to
levy and sell

Notice of
sale to be
given.

Amount of
taxes, &c. to
be paid over.

Surplus, if
any, to be
paid over to
the owners
of the goods.

Penalty for
neglect.

The person
whose goods
may be sold
for taxes may
proceed a-
gainst the
owner of the
real estate to
recover, &c.

That all collectors or agents empowered or authorised to collect and receive the taxes, rates or levies, due and unpaid on any real estate, which may be hereafter imposed and assessed, and which shall have been registered according to the provisions of this act, shall be and they are hereby authorised and empowered, at any time when the same may be found on the estate, on which such taxes, rates and levies may be due, to levy upon any goods, chattels or personal property, which may be found thereon; and to sell and dispose of the same, after ten days notice of such sale, in one or more of the daily newspapers of the city of Philadelphia, and in not less than twenty handbills, one whereof shall be put up on the said estate, and the others in the most public places near the place where such sale shall be made; and out of the proceeds of such sale, after the expenses attending the same, the said collector or agent shall pay over to the person authorised to receive the said taxes, rates and levies, the amount thereof, together with the addition of six per centum, which may be due and chargeable thereon according to the provisions of this act; and if any surplus should be and remain, after such deduction and payment, so made as aforesaid, then and in such case, the collector or agent aforesaid, shall pay over to the owner or owners of the said goods, chattels or personal property, so sold as aforesaid, the said surplus; and in case of neglect or refusal to pay over the said surplus, within ten days after such sale, if demanded, the collector or agent shall forfeit and pay a sum not exceeding ten per cent. to be calculated on said surplus, to be recovered, together with such surplus, as debts of like amount are now recoverable by law, without any stay of execution: *And it is hereby declared and enacted,* That it shall be lawful for any person or persons, whose goods, chattels or personal property may be levied upon and sold, under the authority of this law, for taxes, rates or levies, or who may pay the said taxes, rates or levies, by action of debt or otherwise, to recover the amount so paid, or the value of the goods and chattels levied on and sold, together with all costs and damages, against the owner or owners of the real estate; or at his or their election to defalcate the amount thereof, in payment of any rent which may be due to the owner or owners of such estate, unless such defalcation or recovery would impair any contract or agreement between them previously made.

SECT. 7. *And be it further enacted by the authority aforesaid,* That all and every person to whom taxes, rates and levies which shall have been registered as unpaid on any real estate in the city and county of Philadelphia, shall have been paid, or who shall collect and receive the same, shall give a certificate, that such taxes, rates and levies have been so paid, collected or received by him or them, to any person or persons who shall be entitled to require the same; and also, that it shall be the duty of the person or persons so receiving the said taxes, rates or levies, to certify the same within thirty days after the receipt thereof, under a penalty of five dollars, to be recovered as debts of an equal amount are by law recoverable, for the use of the person injured, to the commissioners of the county of Philadelphia, who thereupon shall cause the payment of the same to be entered in the register of unpaid taxes. Duty of persons receiving the taxes registered as unpaid.

SECT. 8. *And be it further enacted by the authority aforesaid,* That all and singular the provisions of this act shall be deemed and taken to apply to taxes, rates and levies imposed or assessed by authority of the city of Philadelphia, or of any corporation in the city or county of Philadelphia, upon real estate, situate in the said city or county, except water rents, which may be imposed for the use of the Schuylkill water, which shall not be considered as coming within the provisions of this act. Provisions of this act not to extend to water rents.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XIX.

AN ACT

For the relief of John Huff, Michael Young, Henry Bush and Andrew Allaworth, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That the State Treasurer be and he is hereby authorised and required to pay to John Huff, of Northampton county; to Michael Young, of Lancaster county; to Henry Bush, of Pike county; and to Andrew Allsworth, of Butler county, or their respective orders, each forty dollars, immediately, and an annuity of forty dollars to each, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the ninth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XX.

AN ACT

Authorising the State Treasurer to pay Jonathan Pray a sum of money in lieu of a tract of donation land.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby required to pay to Jonathan Pray, or his legal representative, three hundred and seventy-five dollars, in full for a tract of donation land, which he was entitled to and which appears not to have been drawn.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXI.

AN ACT

For the relief of John Kennedy, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to John Kennedy, of Butler county, a revolutionary soldier, or order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXII.

AN ACT

To increase the pension of Agness Crawford, widow of Major James Crawford, who served in the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Agness Crawford, of Lycoming county, twenty dollars, in addition to the pension she now draws, payable in the same manner as the forty dollars heretofore

granted her, commencing on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXIII.

AN ACT

Declaring part of Fishing creek a public highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Fishing creek, from the mouth of Banks' run to the lands of Joseph Anthony, in Logan township, Centre county, be and the same is hereby declared a public highway, for the passage of rafts, boats and arks; and it shall and may be lawful for the inhabitants and others, desirous of using the navigation of the said creek, to remove all natural and artificial obstructions which may be in the same, excepting mill-dams and other water-works; and also, to erect such slopes, at the said dams now built, in the said creek, as may be necessary for the passage of rafts, boats and arks: *Provided,* Such slopes be so constructed as not to injure the works of or attached to said dams: *And provided,* That any person or persons, owning or possessing land on said creek, shall have liberty to construct a dam or dams, across the same, agreeably and subject to all the restrictions and provisions of the act of the General Assembly of this Commonwealth, passed the twenty-third day of March, eighteen hundred and three, entitled "An act to authorise any person or persons, owning lands

adjoining navigable streams of water, declared public highways, to erect dams upon such streams for mills and other water-works."

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXIV.

AN ACT

To enable executors, administrators, guardians, and other trustees, to invest their trust moneys.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That in any case, in which an executor, administrator, guardian or trustee, now has, or hereafter shall have, in his hands, any money, the principal or capital whereof is to remain for a time in his possession or under his control, and the interests, profits or income thereof only is to be paid away, or to accumulate, it shall and may be lawful for such executor, administrator, guardian or trustee, to present his petition to the orphans' court of the proper county, stating the circumstances of the case, and the amount or sum of moneys which he is desirous of investing: *Whereupon,* it shall be lawful for the said court, upon hearing and due proof of the circumstances, to make an order, directing the investment of the said money, in the stocks or debt of the United States, or in the debt of the Commonwealth of Pennsylvania, or in the debt of the city of Philadelphia, or in real securities, at such prices or on such rates of interest and terms of payment, respectively, as the said court shall think fit; and in case the said money shall be invested in conformity to such direction, the said executor, administrator, guardian or trustee,

Executors, &c. authorized to invest their trust moneys.

Proceedings in the orphans' court.

How moneys may be invested.

Executors, &c. exempted from liability.

shall be exempted from all liability for loss on the same, in like manner as if the said investment had been made in conformity with a similar direction in the wills or other instruments creating the said trusts, or by a law of this state: *Provided always*, That nothing herein contained shall be construed to authorise the said court to make a direction contrary to the direction contained in any last will or other instrument, in regard to the investment of such money.

Proviso.

Certain parts
of act of 27th
March, 1713,
repealed.

SECT. 2. *And be it further enacted by the authority aforesaid*, That so much of an act of assembly, passed the twenty-seventh day of March, one thousand seven hundred and thirteen, entitled "An act for establishing orphans' courts," as is contrary hereto, or supplied hereby, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighteenth day of February, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter XXV.

AN ACT

Appropriating a sum of money to the erection of the public buildings in Warren county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same*, That the commissioners of the county of Warren, shall be entitled to receive, from the balance due the Commonwealth, on the in lots, out lots and reserved tracts of the town of Warren, the sum of two thousand dollars, to be by them applied towards the erection of public buildings in the town of Warren, in the county of Warren.

\$2,000 of
the balance
due the state
on the in and
out lots, &c.
appropriated.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Secretary of the Land Office, when requested by said commissioners, to make out and furnish to the said commissioners, a list of the balance due on said in and out lots and reserved tracts; and it shall be lawful for the treasurer of said county, to receive from the persons owing such balances, the sum of two thousand dollars, and no more, for which he shall give duplicate receipts, one to the person or persons paying the same, and one to be forwarded, by said treasurer, to the Secretary of the Land-Office, such receipts to specify the particular lot or tract on which such amount is paid, and such receipt, when so furnished, to the Secretary of the Land-Office, shall entitle the person paying the same to the same credit, and have the same force and effect as if paid on account of such lot or tract to the Treasurer of the Commonwealth: *Provided*, That the treasurer of the said county, shall keep the money so received, in a separate fund, and shall pay the said moneys that he receives on said accounts, on orders drawn by the said commissioners for debts incurred in the erection of said buildings; and the said commissioners shall designate, in the said warrants, the special purpose for which they are drawn.

Duty of Secretary of the Land-Office.

and of the treasurer of Warren cty.

Provided

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the eighteenth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXVI.

A FURTHER SUPPLEMENT

To the act entitled, "An act regulating Arbitrations."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That in all cases in which a judgment on an award of arbitrators may be reversed by the supreme court, the said court is hereby authorised to order the record of the suit to be remitted to the court from which it may have been removed, in order that such further proceedings may be had in the cause as the justice of the case may require.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-third day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXVII.

AN ACT

Relative to the poor of Cumberland county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the laws of this Commonwealth, relating to the poor which were in force in the county of Cumberland, previous to the passage of the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland," passed the twenty-fourth day of March, one thousand eight hundred and eight, and which were repealed by said act, be and the same are hereby revived in the new county of Cumberland; and the provisions of the act entitled "A supplement to an act for the relief of the poor," passed the eleventh day of March, eighteen hundred and nine, be and the same are hereby extended to said county.

Certain acts
of Assembly
relating to
the poor, re-
vived and
extended.

SECT. 2. *And be it further enacted by the authority aforesaid* That the paupers, belonging to the county of Cumberland, shall be distributed to and amongst the boroughs and townships in said county, in which they would have been legally settled, had the laws, by this act revived and extended, been in

Paupers to
be distribu-
ted &c.

operation at the time of their removal to the poor house in Perry county.

SECT. 3. *And be it further enacted by the authority aforesaid,*
That so much of any law as is hereby altered and supplied, be **Repealed.**
and the same is hereby repealed.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-third day of February, one thousand
eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXVIII.

AN ACT

For the relief of Adam Frederick Roeser, a soldier of the revolution-
ary war.

SECT. 1. *BE it enacted by the Senate and House of Repre-
sentatives of the Commonwealth of Pennsylvania in General
Assembly met and it is hereby enacted by the authority of the same,*
That the State Treasurer be, and he is hereby, directed to
pay to Adam Frederick Roeser, of Westmoreland county, or
his order, forty dollars immediately, and an annuity of forty
dollars, during life, payable half yearly, to commence on the
first day of January, one thousand eight hundred and twenty-
four.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of March, one thousand eight hun-
dred and twenty-four.

J. ANDW. SHULZE.

Chapter XXIX.

AN ACT

For the relief of Richard B. Taylor and Charles Means.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the act entitled "An act for the relief of insolvent debtors," passed the sixth day of March, eighteen hundred and fourteen, and the several supplements thereto, with all their provisions, be and they are hereby extended to the case of Richard B. Taylor, now in the prison of Centre county, under sentence of the court of quarter sessions, for fornication and bastardy; and to the case of Charles Means, now in prison in the jail of Bedford county, under a sentence of the court of quarter sessions, for a similar offence.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHUIZE.

Chapter XXX.

AN ACT

Authorising the election of Constables in certain boroughs and townships.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the qualified electors of the township of Hopewell, in the county of Bedford, shall annually hereafter, at the place where they meet for the election of township officers, on the day appointed by law for the election of constables in the several townships of this Commonwealth, elect four reputable

Hopewell
township co.
of Bedford,
authorised to
elect two
constables.

citizens of said township, two of whom shall reside on the north and two on the south of the Juniata river, and return the names of the persons so elected, to the next court of quarter sessions of said county; two of whom, one on the north and one on the south of the Juniata river, shall be appointed constables for said township, in the same manner, with the like powers and authority, and subject to the same regulations and penalties, as are provided and contained in the laws now existing, or that may hereafter exist, concerning constables within this Commonwealth; and the acting constable of said township is authorised and required to give previous notice and to hold the first election under this act.

Notice of election to be given.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the qualified electors of the borough of Greensburg, in the county of Beaver, shall annually, at the time and place appointed by law for the election of borough officers, elect two reputable citizens of said borough, and return the names of the persons so elected to the next court of quarter sessions of said county, one of whom shall be appointed in the same manner, with like powers and authority and subject to the same regulations and penalties, as are provided and contained in the laws now existing or that may hereafter exist, concerning constables within this Commonwealth; and the constable so appointed is hereby authorised and required to receive and execute all writs and process, lawfully issued, by the burgess and town council of said borough, and to do and perform all such other duties as are enjoined upon the high constable of said borough, by the act of Assembly, incorporating said borough, passed the twenty eighth day of March, in the year of our Lord one thousand eight hundred and twenty; and so much of said act as is hereby altered or supplied, be and the same is hereby repealed.

Electors of the borough of Greensburg authorised to elect one constable.

Repeal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the electors of the borough of Hanover, in the county of York, shall, at the same time and place that they hold their annual elections for borough officers, elect two reputable citizens of said borough, and return the names of the persons so elected to the next court of quarter sessions of said county, one of whom shall be appointed constable in the same manner, with the like power and authority and subject to the same regulations and penalties as are provided and contained in the laws now existing or that may hereafter exist, concerning constables within this Commonwealth.

Electors of the borough of Hanover, York county, authorised to elect one constable.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the qualified electors of the township of Cocalico, in the county of Lancaster, shall annually hereafter at the place where they usually meet for the election of township officers, on the day appointed for the election of constables in the different townships in this Commonwealth, elect two additional reputable citizens of said township, and return the names of the persons so elected to the next court of quarter

Township of Cocalico, in Lancaster co. authorised to elect an additional constable.

sessions of said county; one of whom shall be appointed constable of said township, in the same manner, with like power and authority and subject to the same regulations and penalties as are provided and contained in the laws now existing or that may hereafter exist, concerning constables within this Commonwealth; and the acting constable of said township is hereby authorized and required to give previous notice and to hold the first election under this act.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fourth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXI.

A SUPPLEMENT

To the act entitled "An act laying a duty on the retailers of Foreign Merchandise."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

Duty of the
clerks of the
mayors'
courts and
courts of
quarter ses-
sions.

That it shall be the duty of the respective clerks of the several mayors' courts and courts of quarter sessions, within this Commonwealth, immediately after receiving from the constables of the different wards and townships, the lists containing the names of the retailers of foreign merchandise, within their respective cities and counties, to transmit to the auditor general, a copy of the same, under the seal of court; and it shall be the duty of the auditor general to charge the treasurers of the said cities and counties, respectively, with the amount payable by the several persons mentioned in said lists, from the payment of which the said treasurers shall be exonerated only by producing satisfactory evidence to the accountant department, that the person or persons so return-

Duty of the
auditor gen-
eral.

In what case
treasurers
shall be ex-
onerated.

ed were not retailers of foreign merchandize, according to the true intent and meaning of the act to which this is a supplement, or that it was impracticable to collect and recover the same.

SECT. 2. *And be it further enacted by the authority aforesaid,* That instead of proceeding against delinquents by indictment, in the manner directed by the act to which this is a supplement, it shall be the duty of the proper city or county treasurer, to institute a suit before any alderman or justice of the peace, in the name of the Commonwealth, within the months of June and December, in every year, against each delinquent retailer, as aforesaid, for the amount of duty payable agreeably to law, adding thereto ten per cent. as a further compensation to the treasurer for his trouble in suing for and recovering the same; and upon judgment being obtained or entered against any person or persons, refusing or neglecting to pay the amount of said duty, execution shall issue for the amount thereof, with the addition of said ten per cent. together with costs of suit, after the expiration of twenty days, unless the person or persons, believing him, her or themselves to have been aggrieved, by the decision of the said alderman or justice, shall appeal within the said term of twenty days after the rendering of said judgment, to the court of common pleas of the proper county, which said appeal shall be made and conducted in the same manner and be subject to the same provisions, in every particular; as other appeals in cases of other debts of like amount recoverable before an alderman or justice of the peace: *Provided,* That the person or persons so intending to appeal, shall first declare, on oath or affirmation, in writing, to be filed by said alderman or justice of the peace, that he, she or they, verily believe injustice has been done them, and that said appeal is not made for the purpose of delay; and it shall be the duty of the attorney general or his deputy residing in the said city or county, to prosecute such appeal to judgment, for which he shall receive the sum of three dollars and no more: *And provided,* That in all cases of appeals, the jury or arbitrators trying the case, shall decide whether the party appealing or the Commonwealth shall pay the costs of suit; and when the decision is against the Commonwealth, the costs shall be paid out of the county treasury; but in no case shall the Commonwealth pay costs, except where the party appealing is not a retailer of foreign merchandise, or has not produced any other testimony, on the appeal, than what was produced before the justice of the peace or alderman, before whom the cause was originally tried: *And provided further,* Where the justice of the peace or alderman shall decide against the Commonwealth, the costs of suit shall be paid out of the county treasury.

Mode of proceeding against delinquents to recover the amount of duty.

Treasurer's compensation.

When execution shall issue.

Appeals authorised.

Proviso.

2d Proviso.

3d Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person or persons shall have more than one store, in which foreign merchandise is vended, such person or person

License to be taken out for each store.

sons shall be required to take out a license for each and every store; and it shall be the duty of the constables to make return of every such store.

Duty of treasurers.

SEC. 4. *And be it further enacted by the authority aforesaid,* That the said treasurers shall make regular entries in a book to be kept by them for that purpose, of all moneys received by them, respectively, for licenses granted and duties paid, specifying the names or name of the parties, the several rates and amount of duties, and the year for which the said license hath issued, or the said duty has been paid, and charging themselves with the amount received on account of duties payable during the current year, as also for any preceding year or years; and that said treasurers shall once in every year, on or before the last day of December, render an account thereof, under oath or affirmation, to the auditor general, for settlement, by the accountant department, in the usual manner.

Where licenses are taken for part of a year, duty how to be paid

Proviso.

SEC. 5. *And be it further enacted by the authority aforesaid,* That in all cases when any person shall commence as a retailer of foreign merchandise, after the regular yearly period at which licenses are taken out, such person, shall, on application, receive a license for the remainder of the year, and shall pay for the same, in proportion to the time for which such license shall have been granted: *Provided,* That no person thus commencing for a fractional part of a year, shall be exonerated from paying the full amount for a license who does not previous to or within one month after such commencement, apply for and take out a license according to law.

List of retailers to be published.

SEC. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the respective treasurers of the several cities and counties within this commonwealth, annually, in the month of November, to publish, in two newspapers, in the several cities, and one in each county, where a paper is published, a list of the names of all persons returned to him, as retailers of foreign merchandise, designating those who have and those who have not taken out a license, within their respective cities and counties; and the respective treasurers shall transmit one of the newspapers in which the names are so published, to the Auditor General.

Penalty on aldermen, justices, &c. for neglect of duty.

SEC. 7. *And be it further enacted by the authority aforesaid,* That if any alderman, justice of the peace, constable or treasurer, shall neglect or refuse to perform the duties required of him by this act or the act to which this is supplementary, such officer, so neglecting, shall be considered guilty of misdemeanor in office, and shall, on conviction of the same, before a competent tribunal, forfeit the sum of one hundred dollars, one half to the state, and the other to the person or persons who shall prosecute such offender or offenders.

SEC. 8. *And be it further enacted by the authority aforesaid,* That so much of the first section of the act to which this is a

supplement, as excepts from taxation, every person who shall Part of the
deal in the selling of any goods, wares or merchandise, wines first section
or distilled liquors, where the same is sold in the original of the act of
cask, case, box, or package, is hereby repealed; and every second April,
such person or persons, shall be liable to the same amount of 1821, repea-
tax as retail merchants now are, and as fully as if they had ed.
not been excepted by the act to which this is a supplement.

SECT. 9. *And be it further enacted by the authority aforesaid* Part of origi-
That so much of the act of the second of April, one thousand nal act repea-
eight hundred and twenty-one, to which this is supplementary, led.
as is inconsistent herewith, or contrary to this act, be and the
same is hereby repealed: *Provided always*, That nothing herein Proviso-
contained shall be considered or construed, to have the effect
of discontinuing any indictment or proceeding heretofore
instituted and pending, in pursuance of any authority or
provision of the said act of the second of April, one thousand
eight hundred and twenty-one; but the same shall be prosecu-
ted to final judgment, as though this act had not passed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fourth day of March, one thousand eight hun-
dred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXII.

AN ACT

To revive and continue in force certain acts incorporat ng certain
turnpike roads.

SECT. 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the Commonwealth of Pennsylvania in General Act passed
Assembly met and it is hereby enacted by the authority of the same, the 20th
That the act entitled "An act to enable the Governor to incor- March, 1810,
porate a company to make an artificial road from the Blue (except &c.)
Ball tavern, on the Downingtown, Ephrata and Harrisburg ing the New
turnpike, through New Holland to Binkley's bridge, from Holland and
thence to the borough of Lancaster, passed the twentieth day Lancaster,
of March, eighteen hundred and ten, except the proviso in turnpike co.
the third section thereof, be and the same is hereby revived, revived,
and re-enacted; and all the liberties, rights and franchises
thereby granted to the president, managers and company of
the New Holland turnpike road, be and the same are hereby

Account of
tolls received
to be kept,
and divi-
dends declar-
ed.

keep a just and true account of all the money received by their several and respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders, deducting first therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay and for the rebuilding and repairing of the said bridge; and shall, on every first Monday in April and October, of every year, publish the dividend to be made of the said clear profits thereof, among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

When ab-
stracts of the
accounts
shall be laid
before the
legislature.

SEC. 13. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, at the end of every third year from the date of the incorporation until two years next after the bridge aforesaid shall be completed, lay before the general assembly of this Commonwealth, an abstract of their accounts, on oath or affirmation, shewing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the said bridge, for and during the said respective periods; together with an exact account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and expenditures, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said bridge shall be completed, it shall appear from the average profit of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum, on the whole capital stock of the said company, so expended, then it shall be lawful for the said president, managers and company, to increase the tolls herein allowed, so much upon each and every allowance thereof, as will raise the dividends to six per centum per annum; and at the end of every three years after the said bridge shall be completed, they shall render to the general assembly a like abstract of their accounts, for the three preceding years; and if at the end of any such triennial period, it shall appear, from such abstract, that the clear profits and income of the said company will bear a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to ten per centum per annum.

In what case
tolls may be
increased.

When to be
reduced.

Of the time
for commen-
cing and
completing
the bridge.

SEC. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within the space of two years after they have been incorporated; or shall not within the space of seven years from the passing of this act, complete the said bridge, then

and in either case, all the rights, liberties and privileges hereby granted shall cease and determine.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fifth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXIV.

AN ACT

Making farther appropriations to the erection of a Penitentiary in the county of Philadelphia, and in the county of Allegheny, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the further sum of eighty thousand dollars be and the same is hereby appropriated, for the purpose of furnishing materials and carrying on the work of the state penitentiary, under the provisions of "An act to provide for the erection of a state penitentiary within the city and county of Philadelphia," passed the twentieth day of March, one thousand eight hundred and twenty-one.

\$80,000, appropriated to the Philadelphia penitentiary.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the further sum of thirty thousand dollars, be and the same is hereby appropriated, for the purpose of furnishing materials and carrying on the work of the state penitentiary, under the provisions of "An act to provide for the erection of a state penitentiary, on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny, and for other purposes," passed the third day of March, one thousand eight hundred and eighteen, and under the provisions of the acts supplementary thereto.

\$30,000, to the Pittsburg penitentiary.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the following

Commissioners appointed to superintend the erection of the Pittsburg penitentiary.

persons shall be the commissioners for carrying on the work of the penitentiary erecting near Pittsburg, under the act entitled, "An act to provide for the erection of a state penitentiary, on the public land adjoining the town of Allegheny, opposite Pittsburg, in the county of Allegheny, and for other purposes," and under the supplements thereto, to wit: William Wilkins, James Ross, Alexander Johnston, junior, James Riddle, Hugh Davis, John Scull, Abner Barker, William M'Candless, Charles Kenney and James Young, a majority of whom shall supply any vacancy which may happen in their number; and so much of the aforesaid act as vests the filling of vacancies in the said board of commissioners, in the select and common councils of the city of Pittsburg, as is hereby altered or supplied, is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXV.

AN ACT

To aid the citizens of Erie county, in re-building their Court House and Public Offices, which have been destroyed by fire, and for other purposes.

Preamble.

WHEREAS, the destruction, by fire, of the public buildings, together with all the public records of the county of Erie, has occasioned great public as well as private loss and injury:

Therefore,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That the sum of two thousand five hundred dollars, be and the same hereby is granted to the commissioners of the said county of Erie, for the purpose of aiding in re-building the Court House and public offices of the said county; said sum to be received out of the moneys due on the in and out lots and reserved tracts of the town of Erie, in said county.

\$2,500 appropriated out of the moneys due on in and out lots, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the purchasers and owners of the in and out lots and reserved tracts, of the said town of Erie, shall be and they are hereby authorised and allowed, to pay to the treasurer of the said county of Erie, for the purposes aforesaid, on account of the balances respectively due on such in and out lots and reserved tracts, a sum the aggregate amount of which shall not exceed the said sum of two thousand five hundred dollars; and it shall be the duty of the said treasurer, on the receipt of any sum or sums of money paid on the aforesaid account, to make out duplicate receipts therefor, specifying particularly the lot or tract on which such sum is paid; one of which said receipts shall be by him delivered to the person so paying the same, and one shall be, by the said treasurer, forwarded to the secretary of the Land Office; and such receipt shall entitle the person to whom it is given, to the same credit as if such payment had been made to the Treasurer of this Commonwealth.

Purchasers of in and out lots, &c. to pay amount due to the treasurer of Erie county.

Duty of the treasurer

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Secretary of the Commonwealth be and he hereby is authorised and directed, to furnish and deliver, for the use of the present offices of the said county of Erie, such acts of Assembly, acts of Congress, digests of laws and other law books, as have been furnished to the said county, for the use of the county offices, so far as the same can be had in his office.

Certain law books to be furnished for the use of the county offices.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXVI.

AN ACT

Vacating certain parts of state roads therein mentioned.

Part of the state road from Wilkesbarre to Washington, in Columbia county, vacated.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That a state road, laid out by an act passed the thirteenth day of March, one thousand eight hundred and twenty-three, from the west end of the bridge over the river Susquehanna, at Wilkesbarre, in Luzerne county, through Huntington township, to Washington, in Columbia county, be and the same is hereby vacated, from the town of Washington to where the said state road crosses Big Fishing creek and intersects a state road laid out from Catawissa to the Tioga turnpike, in Columbia county.

Review of a certain road in Luzerne county, authorized.

SECT. 2. *And be it further enacted by the authority aforesaid,* That Benjamin Dorrance, Elias Hoyt and Napthali Hurlbat, be and the same are hereby appointed commissioners, with authority to review and vacate so much of the state road aforesaid, as is laid out from the house of James Barnes, in the township of Kingston, in the county of Luzerne, to the southerly line of lands belonging to Aaron Roberts, in the township of Plymouth; and the expense thereof to be paid by Aaron Roberts.

Commissioners appointed to review, &c: part of the state road leading from White Horse, in Somerset co. &c.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That John Gebhart, jr. Peter Will and Henry Chorpening, all of the county of Somerset, be and the same are hereby appointed commissioners, with authority to review and vacate that part of the state road leading from the White Horse tavern, through Somerset county, in a direction to the flats of Grave creek, which runs through and adjacent to the town of New-Lexington, in Milford township, and locate the same so that it may lead through the main street, running eastwardly and westwardly, through the said town of New-Lexington: *Provided,* That the distance so altered, shall not exceed one mile, and the expense of laying out the same, shall be paid by David Tedrow; proprietor of the said town of New-Lexington.

Part of the road leading from Wilkesbarre to Northampton, vacated.

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of the state road laid out from the borough of Wilkesbarre, in Luzerne county, to the borough of Northampton, in Lehigh county, as is altered from the state road from Wilkesbarre, through Solomon's Gap, to Harrisburg,

within the township of Hanover, be and the same is hereby vacated.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXVII.

AN ACT

For the relief of Peter Cort, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be, and he is hereby authorised and required, to pay to Peter Cort, of Columbia county, or his order, forty dollars immediately after the passage of this act, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXVIII.

AN ACT

For the relief of Nathan Hilands and Benjamin Paul, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Nathan Hilands, of Indiana county, and to Benjamin Paul, of Chester county, or to their respective orders, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four,

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, *Junt.*
Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XXXIX.

A SUPPLEMENT

To the act, entitled "An act to incorporate the Philadelphia Saving Fund Society."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the managers of the Philadelphia Saving Fund Society, be and they hereby are authorised and permitted, from and after the passing of this act, to receive, on deposit, any sum Deposits may be increased or sums of money, not exceeding three hundred thousand to \$300,000. dollars, in addition to the amount heretofore authorised by law to be received.

SEC. 2. *And be it further enacted by the authority aforesaid,* That no manager, officer or agent of the said Saving Fund Society, shall be allowed, directly or indirectly, to borrow any money or moneys, from the said society; nor shall the said society have, hold or purchase, any notes, bonds or mortgages, or other securities for the payment of money, drawn or endorsed by or existing against any manager, officer or agent of the said Saving Fund Society.

Officers of the society not allowed to borrow money, &c.

SEC. 3. *And be it further enacted by the authority aforesaid,* That the chief justice of the supreme court, the presidents of the district court and of the court of common pleas, in and for the city and county of Philadelphia, shall form a board of appointment, of which the said chief justice shall, ex-officio, be president, and all future vacancies in the board of managers of the said Saving Fund Society, shall be filled by the said board of appointment, from a list of not less than five persons, to be presented to them, by the managers of the society, whenever a vacancy shall occur; and if the board of appointment shall not approve of some one of the persons on the list, another list shall be presented to them, of five other names, and so on, until a majority of the board of appointment shall approve of a person to fill the vacancy. And it shall be the duty of the said board of appointment, in the month of December, in each and every year, to appoint three discreet and reputable citizens, of the said city and county, whose duty it shall be, after being duly sworn or affirmed, by some competent authority, to audit and settle the accounts of the said society, and at the expense of said society, to make out a statement of their said accounts, one copy whereof shall be, by the said auditors, on or before the third Monday of February, next after their appointment, filed in the office of the prothonotary of the court of common pleas for the city and county of Philadelphia, and copies thereof shall also be transmitted by them, one to the speaker of the senate, and another to the speaker of the house of representatives of this Commonwealth.

Vacancies in the board of managers, how supplied.

Auditors to be appointed annually.

Their duties.

SEC. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president of the Philadelphia Saving Fund Society, to forward to the speaker of the house of representatives of this Commonwealth, on or before the first Monday of January, in each and every year, a statement, under oath or affirmation, of the president and treasurer, shewing the whole number of depositors on the books of said society, on the first Monday of November preceding, and showing the number of depositors having sums in deposit, not exceeding ten dollars each, how many depositors of from ten to twenty dollars, how many from twenty to fifty dollars, how many from fifty to one hundred dollars, how many from one hundred to two hundred dollars, how many from two hundred to three hundred dollars, how many from three hundred to five

Reports of the situation of the affairs of the society, to be made annually to the legislature.

hundred dollars, and how many of five hundred dollars and upwards.

Repealing
section.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of any act or assembly as is hereby altered or supplied, be and the same hereby is repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XL.

AN ACT

For the preservation of wooden bridges within this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

Penalty for
riding or
driving fast-
er than a
walk.

That if any person or persons, shall, after the passage of this act, wilfully ride, drive or lead, or cause to be rode, driven or led, any horse, mare or gelding, or shall wilfully drive or cause to be driven, any wagon, cart, carriage, sleigh, sled or other vehicle, either of burthen or pleasure, faster than on a walk, when crossing any wooden bridge within this Commonwealth, where the length or span of the arch or arches of such bridge, shall be sixty feet or upwards, he, she or they so offending, shall be liable to pay for every such offence, a fine or penalty of not less than five dollars, nor exceeding thirty dollars, to be recovered in the manner hereinafter mentioned.

Penalty for
driving at
any one time
more than
15 head of
horned cat-
tle, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall, after the passage of this act, wilfully drive or cause to be driven, more than fifteen head of horned cattle, at any one time, or shall wilfully drive or cause to be driven, any cattle faster than on a walk, over and upon any wooden bridge, within this Commonwealth,

where the length or span of the arch or arches of the said bridge, shall be sixty feet or upwards, he, she or they so offending, shall be liable to pay for every such offence, a fine or penalty of not less than five dollars, nor exceeding thirty dollars, to be recovered in the manner hereinafter mentioned: *Provided however*, That the provisions of this and the foregoing section, shall not be construed to extend to bridges erected by and being under the care of companies incorporated by any act or acts of Assembly of this Commonwealth, or in any wise to impair any right or privilege which any such company or companies now has or have, to make regulations for the preservation of the bridge or bridges severally under their care.

Providing.

SECT. 3. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the supervisors of the public roads, within the townships wherein now are or hereafter may be situated, any bridge or bridges, intended to be protected by the foregoing provisions of this act, or other persons having charge of the same, to place and constantly to keep up in a conspicuous place, at or near each end of such bridges, a notice of the fines and penalties hereinbefore mentioned and imposed, for the information of travellers, wagoners, drovers and others, crossing such bridges; and all and every supervisor or supervisors of the public roads, or other persons having charge of any such bridge or bridges, who shall refuse or neglect to comply with the directions of this section, shall pay a fine of not less than five dollars, nor exceeding twenty dollars, to be recovered in a summary way, before any alderman or justice of the peace of the proper city or county: *Provided however*, That if any such supervisor or supervisors, or other persons, shall conceive himself or themselves to be aggrieved by the judgment of such alderman or justice of the peace, he or they may appeal by petition, to the next mayor's court or court of general quarter sessions of the peace, of the proper city or county, who shall take such order thereon as to them shall seem just and reasonable; *and provided also*, That when any such bridge or bridges shall be situated within the limits of two townships, it shall be the duty of the supervisors of the public roads, within such townships, to place and keep up the notice required in this section, only at or near such end of the said bridge or bridges, as shall be situate within their respective townships.

Notice of the fines and penalties, to be kept up in a conspicuous place, &c.

Penalty for neglect.

Proviso as to appeals. &c.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the fines and penalties imposed by the first and second sections of this act, may be recovered by indictment, in the court of general quarter sessions of the peace, of the proper county, or by action of debt in the name of the Commonwealth, before any alderman or justice of the peace, of the proper city or county, to be recovered in the same manner as debts of equal amount are now by law recoverable: *Provided however*, That all prosecutions or actions for the recovery of

Mode of proceeding to recover fines & penalties.

Proviso.

2d Proviso.

the same, shall be commenced within three months after the offence shall have been committed: *And provided also*, That the said fines and penalties shall not be recoverable unless notice thereof was placed in the manner prescribed in the third section of this act, at the time the offence was committed.

Fines and penalties how to be applied.

SECT. 5. *And be it further enacted by the authority aforesaid*, That one moiety of all fines and penalties recovered under the foregoing provisions of this act, shall be paid to the prosecutor or informer prosecuting or suing for the same, and the other moiety to the supervisor of the public roads, or other persons having charge of any bridge or bridges upon which the said offence shall have been committed, to be by them applied to repairing the public roads, or to keeping the said bridge or bridges in repair.

Penalty for wilfully setting fire to any wooden bridge.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any person or persons, shall, after the passage of this act, wilfully set fire to any wooden bridge, within this Commonwealth, with intent to destroy the same, or shall be an accessory or accessaries thereto, before the fact, such person or persons so offending, and being thereof legally convicted, shall suffer an imprisonment at hard labor, in the jail of the proper county, for a time not less than one year, nor more than three years; and pay a fine not exceeding two thousand dollars, at the discretion of the court, before whom he, she or they shall be so convicted, which fine shall be paid to the supervisors of the public roads, corporations or other persons having charge of such bridge, to be applied, by them, in repairing or rebuilding the same.

Fines how to be applied.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLI.

A SUPPLEMENT

To the act entitled "An act to regulate the trial of contested elections."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That the returns of the election of county commissioner, auditor, and all other county officers elected by the freemen of any county, for contesting whose election provision has not heretofore been made by law, shall be subject to the inquiry, determination and judgment of the court of general quarter sessions of the peace of the proper county, upon the complaint, in writing, of thirty or more of the freemen of the said county, of undue election or return of any such officer, two of whom shall take and subscribe an oath or affirmation, before a judge, alderman or justice of the peace, in the county wherein they reside, accompanying such petition, stating that the facts therein set forth are true to the best of their knowledge and belief; and the said court shall, in judging concerning such election, proceed upon the merits thereof, and shall determine finally, concerning the same, according to the laws of this Commonwealth; and the officers of the said election, and every of them, and every other person, who may be capable of testifying concerning such elections, or who shall be possessed of any papers, lists, tickets, books or other documents, which may be useful, as evidence upon any inquiry as aforesaid, shall, upon the summons or demand of the said court, personally appear before them, or shall cause to be produced, such papers, lists, tickets, books and other documents of which each one severally may be possessed, on pain of being attached and imprisoned for neglect, refusal, or contempt therein, and shall be entitled to receive the same daily pay and mileage as witnesses are entitled to receive for attending the said court, in other cases, to be paid out of the county treasury.

Manner of proceeding to try contested elections of co. commissioners, auditors, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of any act as is hereby altered, be and the same is hereby repealed: *Provided,* That nothing herein contained shall affect, or in any wise impede, any proceeding now pending in any court of this Commonwealth.

Repeal.

Proviso.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE,

Chapter XLII.

AN ACT

For the relief of James Smith and Peter Korr, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorized and required, to pay to James Smith, of Perry county, or order, and to Peter Korr, of Northampton county, or order, each respectively, forty dollars immediately, and an annuity of forty dollars, payable half yearly, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLIII.

AN ACT

For the relief of Mary Eagan and Nancy Dempsey, widows of soldiers of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby required to pay Mary Eagan and Nancy Dempsey, of Cumberland county, or to their respective orders, each forty dollars immediately, and an annuity of forty dollars each, payable half yearly during

life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLIV.

AN ACT

For the relief of the Representatives of John Melish, deceased.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Secretary of the Commonwealth, the Surveyor General, the Auditor General, and the State Treasurer, or any three of them, be, and they are hereby authorised and required, to adjust and settle, upon equitable principles, the accounts of the late John Melish, deceased, for services performed and expenses and disbursements made by him, on account of the state map, in and about the construction and publication of the same; and for his service in making such maps as were left by him at the time of his death, either in a finished or an unfinished state; and for the materials and necessary articles procured by him, for the purpose of making maps, under his contract with the Commonwealth; and that the Auditor General be and he is hereby authorized and required, to draw his warrant upon the State Treasurer, in favour of the representative of the said John Melish, for such sum as shall, upon the said adjustment and settlement, be found to be due to him: *Provided*, the same shall not exceed the sum of three thousand five hundred dollars, in addition to the moneys heretofore appropriated by law, to be paid to the said John Melish: *And provided also*, That no part of the said balance shall be paid the said representative, until he shall first have accounted with the said officers, under the

Accounts of the late John Melish authorised to be adjusted, upon equitable principles.

Provide.

2d proviso.

When suits
shall be dis-
continued.

terms of the said contract, for all maps and other property belonging to the Commonwealth, which may have been sold by the said John Melish, in his life time, or by his said representative, since his death; and until he shall have delivered to the Surveyor General; or his order, all the state maps, county maps and other property, belonging to the Commonwealth, now remaining in his possession; when it shall be the duty of the Secretary of the Commonwealth and Surveyor General, to discontinue all suits or other proceedings, which may have been instituted against the said representative of the said John Melish, under and by virtue of the provisions of an act entitled, "A supplement to an act entitled, 'An act directing the formation of the map of Pennsylvania,' passed nineteenth March, one thousand eight hundred and sixteen," passed April first, one thousand eight hundred and twenty-three.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the nineteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLV.

AN ACT

For the relief of William Gunn, senior, a revolutionary soldier, and the lineal heirs of Robert M'Bride.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to William Gunn, senior, of Washington county, or his order, forty dollars immediately, and an annuity of forty dollars, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

Gratuity and
annuity granted
to Wm.
Gunn, senr.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required, to pay to the order of John M'Meens, of Lycoming county, in trust for the use of the lineal heirs of Robert M'Bride, a soldier of the revolutionary war, three hundred dollars; in full for a tract of donation land.

Relief granted to the heirs of Rob. M'Bride.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Janr.*

Speaker of the Senate.

APPROVED—the twenty-second day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLVI.

AN ACT

To regulate the Public Printing.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That from and after the passing of this act, unless when otherwise specially ordered, the journals and bills of future legislatures, shall be printed in form and manner following, viz: The journals shall be printed in octavo form, with long primer type, on medium paper, number two; each page to contain fifteen hundred m's, as near as possible. The bills shall be printed in folio, with pica type, and on foolscap paper, number two; each page to contain not less than twelve hundred m's of matter, exclusive of riglet spacing.

Manner of printing the journals and bills of the legislature.

SECT. 2. *And be it further enacted by the authority aforesaid,* That of the English journals of each house, twelve hundred copies shall be printed, unless when otherwise specially ordered; and that twenty dollars per sheet shall be allowed and paid for the said number of copies, including rule and figure

1200 copies of English journals to be printed \$20 per sheet.

400 of the German journals at \$12 a sheet. work: all incidental work in the same proportion. Of the German journals of each house, four hundred copies shall be printed; and twelve dollars per sheet shall be allowed and paid for the said number of copies, including rule and figure work: all incidental work in the same proportion. Of the bills of each house, one hundred and fifty copies shall be printed; and one dollar per page shall be allowed and paid for the same.

150 of the bills at \$1 per page.

Manner of printing the pamphlet laws.

Number, and time for delivery.

Price.

Repeal of sundry resolutions.

SECT. 3. *And be it further enacted by the authority aforesaid.* That the pamphlet laws of the present and future sessions of the legislature, shall be executed, and printed on medium paper, number two, with long primer type; each page to contain not less than eighteen hundred m's, including marginal references, so as to correspond with the pamphlet laws heretofore printed; and shall be stitched and covered with blue paper. and three thousand copies thereof shall be delivered at the office of the Secretary of the Commonwealth, within six weeks after the close of each session of the legislature, respectively; and the Secretary of the Commonwealth is hereby authorised and required to contract with some suitable person or persons, for the printing, stitching, covering and delivery of the said pamphlet laws: *Provided*, That the price for paper and printing shall not exceed forty-two dollars and fifty cents per sheet; and that the price for folding, stitching, covering and delivering, shall not exceed four cents per copy.

SECT. 4. *And be it further enacted by the authority aforesaid.* That the resolutions relative to the public printing, passed nineteenth February, one thousand eight hundred and two; twenty-ninth March, one thousand eight hundred and fourteen; and thirteenth March, one thousand eight hundred and fifteen, be and the same are hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junc.*

Speaker of the Senate.

APPROVED—the twenty-second day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLVII.

AN ACT

To re-charter certain Banks,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That each and every association of persons and bodies corporate and politic, who now are or may be at any time, prior to the first day of April, one thousand eight hundred and twenty-five, stockholders or proprietors of the capital stock of any of the following named banks, viz: Carlisle Bank, Bank of Chambersburg, Bank of Chester county, Commercial Bank of Pennsylvania, Bank of Delaware county, Easton Bank, Farmers' Bank of Bucks county, Farmers' Bank of Lancaster, Bank of Germantown, Bank of Gettysburg, Harrisburg Bank, Bank of Pittsburg, Lancaster Bank, Mechanics' Bank of the city and county of Philadelphia, Monongahela Bank of Brownsville, Bank of Montgomery county, Northampton Bank, Schuylkill Bank in the city of Philadelphia, Westmoreland Bank of Pennsylvania, York Bank, Farmers' Bank of Reading, and the Farmers' and Mechanics' Bank, shall be, and each and every association of persons as aforesaid, their successors and assigns, are hereby declared to be, upon the conditions hereinafter specified, one body corporate and politic, by the same name, style and title, by which the said associations are now respectively known and designated by law; and by the same name, shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have and hold, receive, possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatsoever nature or quality, to an amount not exceeding the capital stock of the said bank, as declared in the second section of this act, except such as may be held in security, for payment of debt; and the same, from time to time, to sell, grant, demise, alien or dispose of; and also to make, to have and use, a common seal, and the same to break, alter and renew, at pleasure; and also, to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient, for the government of the said corporations, respectively, not being contrary to the fundamental articles thereof, or to the constitution or laws of the United States, or of this state; and generally to do and execute all acts, matters and things, consistently with the provisions of this act, which a corporation or body politic, in law may or can lawfully do and execute; and to have, hold, receive, possess, enjoy and retain, to them and their successors, all the

Corporations created.

Of the name and style.

Powers rights and privileges.

estate, property and effects, of every kind, which the aforesaid banks, respectively, shall be possessed of or entitled to, at the time of the expiration of the several acts incorporating the said banks; and all rights to and contracts respecting the same, shall be vested in the corporations, respectively hereby created, in the same manner as if the acts incorporating the said banks, had been continued in full force, until the periods hereinafter mentioned and provided in the sixth section of this act; and the said several corporations hereby created, may sue and be sued; on all debts, claims or demands, due or owing to or from the said banks, respectively, heretofore incorporated, as aforesaid, in the same manner as if the acts incorporating the same had been continued in full force and effect, as aforesaid; and the said several corporations hereby created, shall have the benefit and advantage of, and be liable to all contracts and engagements entered into with the said banks, respectively, heretofore incorporated, in the same manner as if the acts incorporating the same had been continued in full force and effect, as aforesaid; and all suits brought by or against the said banks, shall be continued and adjudged in the same manner as if the said acts incorporating the same had been continued in full force and effect as aforesaid, without the necessity of alleging the same in pleading.

Of the capital stock.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the capital stock of each of the banks created in pursuance of this act, shall be and continue the same as fixed for the said banks respectively, by the act of the twenty-first day of March, eighteen hundred and fourteen, entitled "An act regulating banks;" and the act entitled "An act incorporating the Farmers' and Mechanics' Bank;" passed the sixteenth of March, eighteen hundred and nine.

Fundamental articles.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be the fundamental articles of the constitution of the said corporations, to wit:

ARTICLE I.

Directors.

Who shall not be directors.

The affairs of each Bank, shall be conducted by thirteen directors, to be chosen annually by the stockholders. No person shall be a director who is not a citizen of the United States, and a stockholder in his own right. No person shall be at the same time a director of any two banks, created by this or any other act; nor shall the Governor or any Executive or Judicial officer of this Commonwealth, or member of the State Legislature, be a director.

ARTICLE II.

Of the election of directors.

The election of the directors of each bank shall be by ballot, and shall take place on the third Monday of November, in every year, at such place, within the city or county where

such bank is located, as the directors for the time being shall appoint; notice of which shall be given, thirty days previous thereto, in the manner hereinafter prescribed; and a fair and correct list of the stockholders shall be fixed up, at least two months before any election of directors, in the common hall of the bank; and the directors shall assemble on the first Monday succeeding such election, and choose one of their number to be president of the said bank. They shall continue in office one year and until others be chosen. If it shall happen, that an election of directors be not made on the day above prescribed, the corporation shall not, for that cause, be dissolved; but it may be lawful, on any other day, within thirty days thereafter, three weeks notice being given, in the manner aforesaid, to hold and make an election in such manner as the by-laws and ordinances of the corporation shall prescribe. And the directors shall, at the first meeting after such election, elect one of their number to be president; and in case of the death, resignation, absence from the United States, or inability to act, of the president or of any director, the board of directors shall choose another, to supply his place. No person shall be eligible as a director, for more than three years out of four; and not more than three-fourths of the directors shall be eligible to be re-elected, for the succeeding year, except the president, for the time being, who shall always be eligible. *Provided*, That the persons who shall be directors of the banks named in the first section of this act, at the time of the expiration of their present charters, shall be and continue directors of the respective banks hereby incorporated, until others are chosen according to the provisions of this act. And the directors so continued, shall do and perform all the duties and be liable to all the obligations imposed upon the directors appointed in pursuance of this act.

President
be chosen.

Tenure of
office.

If no elec-
tion be held,
corporation
not to be
dissolved,
&c.

Vacancies
how suppli-
ed.

Proviso.

ARTICLE III.

For the well ordering and conducting of the elections, the directors of each bank shall, previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same, after having severally taken and subscribed an oath or affirmation, before a justice of the peace or alderman, well and truly and according to law, to conduct said elections. They shall determine whether the persons who shall have the greatest number of votes are duly qualified to be elected directors, and do come truly and plainly within the provisions of these articles; and after the conclusion of the ballot, shall decide and declare who are elected directors for the ensuing year.

Mode of con-
ducting elec-
tions.

ARTICLE IV.

The number of votes to which each stockholder shall be

Number of votes to be given by each stockholder, regulated.

What to constitute a right to vote.

Proviso,

entitled, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty, and not exceeding fifty, one vote; but no share or number of shares, above fifty, shall confer any additional right of voting; and no share shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. nor unless it be holden by the person in whose name it appears, absolutely and *bona fide* in his own right, or in that of his wife, and for his or her sole use and benefit; or as executor or administrator, trustee or guardian; or in the right and for the use and benefit of some copartnership, corporation or society, of which he or she may be a member, and not in trust for or to the use and benefit of any other person. Stockholders resident within the United States, and no other, may vote by proxy, upon such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled "An act to regulate proxies:" *Provided*, That such proxy shall be dated within sixty days of the day of the election.

ARTICLE V.

Of the by-laws.

To appoint a cashier, &c.

Cashier to give bond.

Not to carry on any other business.

Officers, clerks, &c. to give security.

Compensation.

Officers, &c. not to vote as the agents.

The board of directors of each bank shall have power to make by-laws, for the government and regulation of the corporation; which by-laws shall not be inconsistent with the constitution and laws of the United States, or of this state, or with the provisions of this act; to appoint a cashier and all other officers, clerks and other persons necessary for executing the business of the bank. And it shall be the duty of such board, to take a bond of the cashier, with two or more sureties, to the satisfaction of the same, for such sum as shall be determined by the board of directors, conditioned for the faithful execution of the duties of his office or appointment; nor shall he be allowed to carry on any other business, directly or indirectly, than that of the bank, except by permission of the president and board of directors, under the penalty of five thousand dollars, to be recovered by the board of directors, for the use of the bank. And the said board shall take such security for the good behaviour of their other officers, clerks or other persons, respectively, as the by-laws shall prescribe; and shall establish the compensation to be paid to the president, cashier and other officers of such bank, respectively; which, together with all other expenses, shall be defrayed out of the corporate funds. And it shall not be lawful for the president, the cashier or any teller or clerk of any bank, to vote at any election, for directors of their respective banks, as the attorney, proxy or agent of any stockholder.

ARTICLE VI.

The total amount of debts which any of the said corporations may at any time owe, whether by bond, bill, note or other contract, excepting the amount of money due to depositors, shall not, at any time, exceed double the amount of the capital stock, actually paid in. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their individual capacities; and an action of debt may, in such case, be brought against them, or any of them, or their or any of their heirs, executors or administrators, in any court, having competent jurisdiction, by any creditor or creditors of such corporation; and may be prosecuted to judgment and execution; any condition, covenant or agreement to the contrary, notwithstanding; but this shall not be construed to exempt the said corporation or the lands, tenements, goods or chattels, of the same, from being also liable for and chargeable with the said excess. Such of the said directors as may have been absent, when the said excess was contracted or created, shall not be considered as consenting thereto, or liable therefor; and those who may have dissented from the resolution or act whereby the same was so contracted or created, and who shall enter their dissent upon the minutes of the board, may exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have power to call for that purpose.

Debts not to exceed double the amount of the capital.

In case of excess directors shall be liable in their individual capacities.

Absent or dissenting directors not to be liable.

ARTICLE VII.

No director, except the president, shall be entitled to any emolument, unless the same shall have been allowed by the stockholders, at a general meeting.

Of emoluments.

ARTICLE VIII.

The stated meetings of the directors of each bank shall be held at such times as the by-laws shall ordain; and special meetings may be held, by particular appointments, or upon the call of the president. A majority of the whole number of directors, of whom the president shall be one, shall form a board or quorum for the transaction of any business; but ordinary discounts may be made by the president and four other directors. In case of sickness or necessary absence of the president, his place may be supplied by a president *pro tempore*, to be appointed by the directors present, from among their number.

Of stated and special meetings.

Quorum.

President *pro tempore*.

ARTICLE IX.

The board of directors of any of said banks, or twenty stockholders thereof, being together proprietors of one twen-

How general meetings may be called. tieth part of the stock of such bank, may, at any time, call a general meeting of the stockholders, for purposes relative to the institution, giving at least thirty days notice thereof, in the manner hereinafter prescribed, specifying, in such notice, the object or objects of such meeting.

ARTICLE X.

Of annual meetings.

Proviso.

A general meeting of the stockholders of each bank shall be held on the first Tuesday of November, in every year; at which time the directors shall lay before them, a general and particular statement of the affairs of such bank: *Provided*, That this shall not be construed so as to compel the directors to lay before the stockholders, a statement of the private account of any individual or individuals.

ARTICLE XI.

Transfer of stock.

Indebted stockholder not to transfer.

Proviso.

The stock of each of the said banks shall be assignable and transferable on the books of the corporation only, and in the presence of the president or cashier, in such manner as the by-laws shall ordain; but no stockholder indebted to the bank, for a debt actually due and unpaid, shall be authorized to make a transfer or receive a dividend, until such debt is discharged, or security to the satisfaction of the directors given for the same: *Provided always*, That no stock shall be assigned or transferred to any person or persons, directly or indirectly, except to citizens of this state, of the United States, or of one of them; or to corporations created by the laws of any of the United States; or to such foreigner or foreigners as have previously declared, as the laws direct, that he or they intend to become a citizen or citizens of the United States.

ARTICLE XII.

Rate of discount.

The rate of discount, at which loans may be made by any of the said banks, shall not exceed one half of one per centum, for thirty days.

ARTICLE XIII.

When dividends are to be declared.

Dividends not to impair capital stock.

Dividends of so much of the profits of the said several banks, as shall appear advisable to the directors of each bank, shall be declared, at least twice a year, on the first Tuesday of May and November, in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom; but such dividends shall in no case exceed the amount of the nett profits actually acquired by the bank, so that the capital stock of said banks shall never be thereby

impaired. If the directors of any of the said banks shall make any dividend, which shall impair the capital stock of such bank, the directors consenting thereto, shall be liable in their individual capacities, to such corporation, for the amount of the stock so divided. And each director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

Directors
consenting,
liable, &c.

What shall
be construed
a consent.

ARTICLE XIV.

It shall be lawful for each of the said corporations, to hold such lands, tenements and hereditaments only as shall be requisite for its accommodation, in the convenient transaction of its business, and such as shall be *bona fide* mortgaged or conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or purchased at sales upon judgment, obtained for such debts; or purchased at sales upon judgments of any person or body politic where the same may be necessary to secure any debt due to the said corporations. Not more than thirty thousand dollar shall be expended, by any one of said corporations, in procuring ground and erecting suitable buildings for the banking house, except in the city and county of Philadelphia, which shall not exceed fifty thousand dollars. None of the said corporations shall directly, or through the agency of any person or persons whomsoever, either in trust or confidence, deal or trade with any profits, stock, money or effects, in buying or selling any goods, wares or merchandise, whatsoever; and all and every person or persons who shall, contrary to the true intent and meaning of this act, be engaged, either as principals or agents, in such buying, selling or trading, shall forfeit and pay treble the value of goods, wares or merchandise, so traded for, one half to the use of the person prosecuting for the same, and the other to the state; but nothing herein contained, shall be so construed as to prevent any of the said corporations from selling any public stock, of which it may be possessed. The said several corporations shall not be at liberty to purchase any stock whatsoever, except their own bank stock or other incorporated bank stock of this state, treasury notes or public stock of the United States, or in any loan proposed by the government of the United States, or stock in any of the incorporated companies of this state, for the improvement of roads and inland navigation: *Provided*, the stock and treasury notes, so purchased, and loans so made, to the government of the United States, shall, at no time, exceed one fifth part of the amount of stock of such corporation, actually paid in; and the said several corporations, shall not deal or trade in any thing but bills of exchange, gold or silver bullion, and in the stock and treasury notes aforesaid, or in the sale of goods

Corporations
to hold such
lands only,
&c.

How much
may be ex-
pended in
buildings.

Not to deal
in any stock.

Penalty for
so doing.

Not to pur-
chase any
stock except,
&c.

Provided.

Proviso, as to
the Philadelphia Bank.

really and truly pledged for money lent, and not redeemed in due time, or goods which may be the produce of their lands: *Provided*, That the Philadelphia Bank, incorporated by the act entitled, "An act to extend the charter of the Philadelphia Bank," passed the twenty-eighth of March, eighteen hundred and twenty-three, shall have the same liberty and authority, in relation to their own bank stock or other incorporated bank stock of this state, treasury notes or public stock of the United States, or stock of any of the incorporated companies of this state, for the improvement of roads and inland navigation, as is by this article given to the several corporations created by this act, any thing contained in the aforesaid act, to extend the charter of the Philadelphia Bank, to the contrary notwithstanding: *And provided also*, That the privileges hereby extended to the Philadelphia Bank, be and they are hereby extended to the Bank of the Northern Liberties, incorporated by the act entitled "An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia," passed the thirty-first day of March, eighteen hundred and twenty-three; any thing in the said act to the contrary, notwithstanding.

Proviso, as to
the Bank of
the Northern
Liberties.

ARTICLE XV.

Bills under
seal assign-
able.

The bills obligatory and of credit, under the seal of the said several corporations, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, so as absolutely to transfer and vest the property and legal title thereof, in each and every assignee, or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills or notes which may be issued by order of any of the said corporations, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of such corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities; and shall be assignable, and negotiable in like manner, as if they were so issued by such private person or persons: that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery, only; and all notes or bills, at any time discounted, by any of the said corporations, or deposited for collection, and falling due at such bank, shall be and they are hereby

Of bills and
notes with-
out seal.

placed on the same footing as foreign bills of exchange, so that the like benefits shall be had in the payment and the like remedy for the recovery thereof, against the drawer and drawers, indorser and indorsers, and their representatives, and with the like effect, except so far as relates to damages; any law, custom or usage to the contrary in any wise notwithstanding: *Provided*, That no note shall be issued, by any of said corporations, of a lower denomination than five dollars: *And provided also*, That the Philadelphia Bank and the Bank of the Northern Liberties, shall be allowed to receive notes of a lower denomination than five dollars; any thing contained in the act entitled "An act to extend the charter of the Philadelphia Bank," passed twenty-eighth March, one thousand eight hundred and twenty-three; or in the act entitled "An act to extend the charter of the Bank of the Northern Liberties, in the county of Philadelphia," passed thirty-first March, one thousand eight hundred and twenty-three, to the contrary notwithstanding.

Provided.

Proviso, relating to the Philadelphia Bank, and the Bank of the Northern Liberties:

ARTICLE XVI.

The books, papers, correspondence and funds, of the said several banks, shall, at all times, be subject to the inspection of the directors, who shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose; and on any question, where two directors shall require it, the yeas and nays of the directors voting shall be duly inserted on their minutes, and those minutes shall, at all times, on demand, be produced to the stockholders, at a general meeting; and the minutes, books and papers, shall be subject to the inspection of any committee, who shall be authorised by the legislature, to require the same.

Of the books and papers.

Minutes of proceedings to be kept.

Subject to inspection.

ARTICLE XVII.

It shall be the duty of the president and directors of the said several banks, to exhibit to either branch of the legislature, when called upon so to do, a statement of their affairs in the form of a regular account current; or in such form as may hereafter be pointed out by the legislature, or either branch thereof, as they shall stand, on any day to be designated, specifying particularly the amount of their capital stock paid in, notes in circulation, deposits, debts due to other banks, contingent fund, notes and bills discounted, bills of exchange, stock, real estate, bonds, judgments, mortgages, notes of other banks, debts due by other banks, gold and silver on hand, each to be stated, separately; and such other information as may enable the legislature to form a correct knowledge of their actual condition: *Provided*, That such a statement of the affairs of each of the said banks, as they shall stand on the first Tuesday of November, in each year, shall annually, prior to the second Monday of December, be

Statement of affairs to be exhibited to the legislature.

Provided.

transmitted, under the oath or affirmation of the president or cashier of each bank, respectively, to the auditor general, who shall, by the first Monday of January following, lay the same before the legislature.

ARTICLE XVIII,

<p>Of specie payments.</p> <p>Of deposits.</p> <p>Penalty for refusing to pay specie.</p> <p>Duty of president or cashier where specie is refused to be paid, &c.</p> <p>Penalty for neglect.</p> <p>Proviso.</p>	<p>The said banks shall not, at any time, suspend or refuse payment, in gold or silver, of any of their notes, bills or obligations, nor of any moneys received upon deposit, in the said banks; and the cashier of said banks, respectively, shall, when required, give a certificate of the time and amount of every such deposit, to the person who makes the same, or his, her or their legal representatives; and if any of the said banks shall, at any time, refuse or neglect to pay, on demand, in gold or silver, any bill, note or obligation, issued by such bank according to the contract, promise or undertaking therein expressed, or shall neglect or refuse to pay, on demand, in gold or silver, as aforesaid, any moneys received in such bank, on deposit, except in the case of special deposits where the contract is different, to the person or persons entitled to receive the same, then, and in every such case, the holder of such note, bill or obligation, or the person or persons entitled to demand and receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations or moneys, until the same shall be fully paid and satisfied, at the rate of six per cent. per annum, from the time of such demand, as aforesaid. And it shall be the duty of the president or cashier of the said several banks, and he is hereby required, to make, at the time of demand being made for the payment of any note, bill or obligation, or any money, deposited as aforesaid, the payment of which in gold or silver shall have been refused, an endorsement on the said note, bill, obligation or certificate, setting forth the day and year when the payment thereof was demanded, and subscribe his name thereto. And in case the said president or cashier shall evade, neglect or refuse making such endorsement, at the time and in the manner hereinbefore required, he shall forfeit and pay to the holder of such note, bill, obligation or certificate, the sum of twenty-five dollars, to be recovered in the same manner as debts of like amount are or may be by law recoverable: <i>Provided</i>, That no holder of any such note, bill, obligation or certificate, shall be entitled to the said interest, for a longer period than three months, by virtue of any such endorsement, unless upon a subsequent demand, at or after the expiration of the said three months, payment shall be again neglected or refused, in which case he or she shall be entitled to the said interest, from the date of the first endorsement until three months after the expiration of the last endorsement; and the holder</p>
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of any such note, bill, obligation or certificate, is hereby authorised to demand payment of the same, at and after the expiration of every three months, from any preceding demand and refusal; and the date of the second and every subsequent demand or neglect or refusal to pay, shall be endorsed, by the president or cashier, on the note, bill, obligation or certificate, in manner aforesaid, and under the same penalty for refusal that is prescribed in the preceding part of this article. And in case the holder of any such note, bill, obligation or certificate, or his or her executors, administrators or assigns, shall commence suit against any of the said banks, for the recovery of the amount due from the same, then the said interest of six per cent. shall be recovered, on the said amount, until it is paid and satisfied, without any further demand being made of such bank: *Provided*, That nothing in this act shall be construed to prevent any bank from redeeming its own notes with the notes of any other bank in whose behalf the same shall be presented for payment. 2d proviso.

ARTICLE XIX.

Upon the refusal of any of the said banks, to pay any of its notes, bills, obligations or deposited moneys, in gold or silver, at or after the expiration of three months from the time of the first refusal of such bank to pay as aforesaid, it shall and may be lawful, for the holder or proprietor of the same, to make application in writing, to any judge of any court in the proper county, to allow him or her to make proof of said refusal, on oath or affirmation, by one or more disinterested witness or witnesses, before said judge, whose duty it shall be, to give at least ten days' notice to the president or cashier of such bank, of the time and place of making such proof, in order that an opportunity may be afforded for rebutting the same by testimony; and if the facts be substantiated, it shall be the duty of the said judge, to reduce the same to writing, and to transmit the same to the Governor. And it shall be the duty of the Governor, immediately on the receipt of the written proof above specified, to issue his proclamation, declaring the charter of the said bank to be forfeited; and from and after the tenth day after the date of the said proclamation, the charter of the said bank shall be absolutely null and void and of no effect whatsoever, except that the said bank shall be liable, in its corporate capacity, for the fulfilment of all contracts previously made and entered into by it; and the stockholders thereof shall have power to elect directors as usual, and be capable of compelling the fulfilment of any contract entered into with said bank, previously to the date of the said forfeiture. Proceedings where banks refuse to pay specie. When the Governor shall issue his proclamation annulling the charters.

ARTICLE XX.

In case of suspension of payment, in gold or silver, by any

If specie payments be suspended, banks not to issue their own notes except, &c.

Directors consenting, to be liable, &c.

Proviso.

of the banks aforesaid, it shall not be lawful, thereafter for such bank to issue its own notes, except to such claimants of deposit moneys as may demand them in lieu thereof, or to make or declare any new loan or dividend, until the said bank shall pay, in gold or silver, the note or notes, bill or bills, obligation or obligations, which the said bank may have refused to pay, as aforesaid. And if any such note be issued, except as is above excepted, or any such loan or dividend be made or declared, the directors consenting to the same, shall be liable, each in his individual capacity, to pay the amount thereof, to any person or persons holding notes of the said bank, or having a claim for deposit moneys, to an equal amount, who shall first sue for the recovery of the same: *Provided*, That nothing herein contained, shall be construed to prevent the said bank from recovering the notes or obligations of those who may be indebted to it, as occasion may require.

ARTICLE XXI.

Right of the legislature to examine into the situation of the affairs of the banks

Proviso.

The Legislature may, at any time or times hereafter, appoint a joint committee, whose duty it shall be to inquire and examine into the credit and situation of the said several banks, to ascertain the debts and credits thereof, and whether they are in a flourishing or declining situation; and for this purpose, the directors, for the time being, shall furnish the necessary information to the committee. And such committee shall have power, also, if they deem it necessary, to demand the personal inspection of all the specie and books of the said banks, that may tend to elucidate their inquiry; and the committee having performed such duty, shall report to their respective houses, the result of such examination: *Provided*, That this shall not be construed to imply the right of inspecting the account of any individual or individuals, with the said bank, other than the officers of the same.

ARTICLE XXII.

Of the settlement of the affairs of the banks.

The corporate powers, rights and privileges, of each bank, shall, after the expiration of the term for which this charter has been granted, for the liquidation and settlement of all their transactions and accounts, and for no other purpose, be and continue in force, until the same be fully liquidated and settled.

ARTICLE XXIII.

Act of incorporation and by-laws to be furnished.

The president and directors of each of the said banks, shall furnish to each of the stockholders thereof, on demand, a copy of the act of incorporation and of the by-laws.

ARTICLE XXIV.

Eight per cent. on the dividends to

That immediately after the declaration of the dividend or nett profits, on the first Monday in November, in every year, the president, directors and company, of each of said banks,

except the Farmers' and Mechanics' Bank, shall transmit eight per cent. of the whole amount of the dividend, which shall have been declared, during the preceding year, to the State Treasurer, for the use of the Commonwealth, accompanied with a certificate from the president or cashier of the bank, under oath or affirmation, made before any alderman or justice of the peace, of the whole amount of the dividend, which shall have been declared, during the preceding year, including the said first Monday in November; and if any of the said annual payments be not made within two months after the said first Monday of November, in every year, accompanied with the said certificate, as aforesaid, then, and in that case, the said banks, so neglecting to pay, shall be liable to interest upon the amount so due the Commonwealth, at the rate of twelve per cent. per annum, to be computed from the said first Monday of November, until the same be paid; which said principal sum with the interest shall be recoverable, in any court having competent jurisdiction; and if no dividend shall have been declared and made, during the preceding year, ending with the said first Monday of November, in every year, by any bank having been incorporated for six months previous to said last mentioned day, the charter of the bank, so neglecting to pay or declare dividends, shall, from thenceforth, be absolutely null and void.

be annually transmitted to the State Treasurer.

In case of neglect 12 per cent. on the amount due to be added.

How recoverable.

When charter shall be void.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case of the president and directors of the Farmers' and Mechanics' Bank of Philadelphia, shall accept this charter, the bank hereby established shall, on or before the tenth day of May next, in consideration of the charter hereby granted, surrender to the Auditor General and State Treasurer, certificates of stock or debt, to the amount of seventy thousand dollars, of the loan of one million of dollars, authorised by the act entitled "An act authorising the Governor to procure on loan, one million of dollars," passed on the second day of April, one thousand eight hundred and twenty-one; the interest on the amount of stock or debt so surrendered, to be adjusted by the Treasurer of the Commonwealth, up to the first day of May next; and the Auditor General and State Treasurer, shall cancel or destroy the certificates or evidences of debt, so surrendered, by the bank: *Provided always,* That the provisions of the twenty-fourth article of this act, shall not be construed to extend to the said Farmers' and Mechanics' Bank; and the charter hereby granted to the said Farmers' and Mechanics' Bank, shall be and continue in force, until the first day of May, one thousand eight hundred and forty-four.

Condition upon which the charter of the Farmers' and Mechanics' Bank is granted.

Provide.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all bills and notes, printed and remaining with the said corporations, or issued by order of the said corporations, prior to the expiration of their present charters, and afterwards received by them, signed by the president and countersigned

Bills and notes of the present banks to be negotiable by the banks

hereby created. by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, shall thereafter be negotiable by the said corporations respectively, in like manner as if the same were made and issued by the said corporations hereby established.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the several banks mentioned in the first section of this act, except the Farmers' and Mechanics' Bank, shall continue and be in force, and continue as follows, that is to say:

Banks whose charters expire in 1833.

Ditto in 1835.

Ditto in 1837.

The Mechanics' Bank of the city and county of Philadelphia, Farmers' Bank of Reading, Westmoreland Bank of Pennsylvania, Northampton Bank, Farmers' Bank of Bucks county, Bank of Gettysburg and Lancaster Bank, shall be extended to the first Wednesday in May, eighteen hundred and thirty-three, and no longer; Bank of Delaware county, Commercial Bank of Pennsylvania, Monongahela Bank of Brownsville, Carlisle Bank, Bank of Germantown, Bank of Montgomery county, and the Chambersburg Bank, to the first Wednesday in May, eighteen hundred and thirty-five, and no longer; Easton Bank, Schuylkill Bank, Bank of Chester county, York Bank, Farmers' Bank of Lancaster, Harrisburg Bank, and the Bank of Pittsburg, to the first Wednesday of May, eighteen hundred and thirty-seven, and no longer.

Notice of elections and general meetings, how published.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the notice for the election of directors, and for a general meeting of the stockholders of the several banks established by this act, required by the third section of this act, shall be published in at least one newspaper, printed in the city or county where such bank is located, should there be one therein.

Amount of loans to be made to Farmers, Mechanics and Manufacturers.

Loans to be made to the state at five per cent.

Proviso.

2d Proviso.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the several banking companies enumerated in this act, shall make loans to the amount of one-fifth of their capital actually paid in, for one year, to the farmers, mechanics and manufacturers of the district, in which the bank shall be established, if applied for, on a sufficient surety being given, by bond, mortgage note or otherwise, at six per cent. per annum. And whenever the Legislature of the state may require it, each bank hereby chartered shall loan to the Commonwealth, any sum not exceeding five per cent. of its capital stock actually paid in, at an interest not exceeding five per cent. per annum, payable half-yearly, for any time not exceeding the unexpired term of the charter of any such bank hereby granted: *Provided,* That the money thus loaned to the state, shall not be drawn from such bank so loaning, for the purpose of being deposited in any other bank; but shall remain in the bank, subject to the order of the state, at such times and in such sums as the state treasurer may believe the exigencies of the state require: *Provided,* That at least sixty days notice shall be given, by the governor, to any bank, previous to any requisition for such loan or loans.

SECT. 9. *And be it further enacted by the authority aforesaid,* That if it shall appear, that the charters and privileges by this act granted, to any of the banks herein mentioned, are injurious to the citizens of this Commonwealth, the legislature reserve full power to alter, revoke and annul them, or any of them, at any time they may think proper.

Power of the legislature to alter and annul charters.

SECT. 10. *And be it further enacted by the authority aforesaid,* That this act shall not go into operation, as respects the individual banks herein mentioned, until the expiration of their respective charters; nor then, unless the president and directors of the several banks to be incorporated, in pursuance of this act, shall, on or before the first Monday of January next, express in writing, lodged with the Secretary of the Commonwealth, their acceptance, for the stockholders, of the respective charters enacted by this act; then, and in that case, all former laws which are hereby altered and supplied, shall be and the same are hereby repealed, from the periods at which the charters of the respective banks herein mentioned expire: *Provided,* That if the president and directors of any of the banks, named in the first section of this act, shall not, before the first Monday of January next, express, as above, their acceptance, for the stockholders, of this charter, then this act to be void and of none effect, so far as the same relates to such banks, so neglecting to express their acceptance of this charter as aforesaid.

When this act shall go into operation.

Proviso.

SECT. 11. *And be it further enacted by the authority afore-aid,* That from and after the passing of this act, if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting, any bill or note, in imitation of, or purporting to be, a bill or note issued by order of the president, directors and company of any or either of the banks mentioned or enumerated in this act, or of any of the banks within this Commonwealth, incorporated in pursuance of any act or acts of the general assembly, or by any or either of the said banks; or any order or check on either of the said banks or corporations, or any cashier of either of the said banks; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist, in falsely altering any bill or note, issued by any or either of the said banks, or by order of the president, directors and company of either of the said banks; or any order or check on any of the said banks or corporations, or cashier of either or any of the said banks; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeit bill or note, purporting to be a bill or note issued by any or either of the said banks, or by order of the president, directors and company of either or any of the said banks; or any false, forged or counterfeited order or check, upon any of the said banks or corporations, or any cashier of either of

Penalty on making, forging or counterfeiting notes, bills, checks, &c.

them, knowing the same to be falsely forged or counterfeited, or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by any or either of the said banks, or by order of the president, directors and company of any or either of the said banks; or any falsely altered order or check, on any of the said banks or corporations, or any cashier of either of them, knowing the same to be falsely altered, with intention to defraud any of the said banks, or any other body politic or person; or shall sell, utter or deliver, or cause to be sold, uttered or delivered, any forged or counterfeit note or bill, in imitation or purporting to be a bill or note issued by any or either of the said banks, or by order of the president and directors of any or either of the said banks, knowing the same to be false, forged and counterfeited, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned at hard labor, for a term not exceeding ten years nor less than one year, and fined not exceeding one thousand dollars; and shall be kept, treated and dealt with, in all respects, as other convicts now are or may hereafter be by law; and the clause limiting the duration of any of the banks in this act, or the acts hereinbefore mentioned, shall not, in any measure, affect prosecutions, for the offences hereinbefore enumerated; but shall be carried on against offenders, as if this act and the said acts had been perpetual.

Penalty on engraving, &c. with intent to forge or counterfeit, &c.

SECT. 12. *And be it further enacted by the authority aforesaid.*

That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession, any metallic plate, engraved after the similitude of any plate, from which any notes or bills issued by any bank incorporated in pursuance of this act, or of any other bank, within this Commonwealth, incorporated by or in pursuance of any act or acts of assembly, shall have been printed, with intent to use such plate, or to cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said banks, or any or either of them; or shall have in his custody or possession, any blank note or notes, bill or bills, engraved and printed, after the similitude of any notes or bills, issued by either of the said banks, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said banks, or any or either of them; or shall have in his custody or possession, any paper adapted to the making of bank notes or bills, and similar to the paper upon which any notes or bills of either of the said banks shall have been issued, with intent to use such paper, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills, issued by either of the said banks, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labour, in the jail of

the proper country, for a term not exceeding three years, and fined in a sum not exceeding five hundred dollars.

SECT. 13. *And be it further enacted by the authority aforesaid,* That in prosecutions for any or either of the offences mentioned and described in the preceding sections of this act, the court shall not require the Commonwealth to produce the charter of either of the said banks; but the jury may find that fact, upon other evidence, under the direction of the court,

In prosecutions Commonwealth not to produce the charter.

SECT. 14. *And be it further enacted by the authority aforesaid,* That so much of any act or acts of assembly, as is by the eleventh, twelfth and thirteenth sections of this act, hereby altered or supplied, be and the same is hereby repealed: *Provided,* That this repeal shall not affect the proceeding against any offender which has commenced, or to prevent the prosecution, conviction and punishment of any crime which may be committed before the passing of this act.

Acts repealed.

Proviso.

SECT. 15. *And be it further enacted by the authority aforesaid,* That so much of the seventh article of the third section of an act entitled, "An act to extend the charter of the Philadelphia Bank," passed twenty-eighth March, eighteen hundred and twenty-three, as prohibits the directors and officers of the bank, from being debtors to the said bank, as drawers of notes, bills or other obligations, for an amount exceeding one ninth of the capital stock actually paid in, or as endorsers or discounters, for an aggregate amount exceeding one ninth of the capital stock actually paid in, be and the same is hereby repealed.

Part of the act to extend the charter of Philadelphia Bank, repealed.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLVIII.

AN ACT

To remedy the destruction and loss of the records of the county of Erie.

Preamble.

WHEREAS it is represented to the legislature that the court house and all the public offices, together with the public records and papers of the county of Erie, were destroyed by fire, on the twenty-third day of March, one thousand eight hundred and twenty three.

For remedy whereof,

Mode of proceeding to supply the loss of the evidence of any suit, judgment, record, order, decree, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That where any person or persons interested in any action pending, or judgment obtained, or in any record or proceeding of the court of common pleas of the county of Erie, or in any record, order, decree or proceeding, in the orphans' court, court of oyer and terminer, of quarter sessions, or register's court of the county aforesaid, or in any last will and testament, administration bond, account, inventory or other writing, filed in the register's office of said county, where the evidence of the same has been destroyed, by the calamity herein before mentioned, or lost in consequence thereof, shall be desirous to have the same supplied, he, she or they, may apply to the court of common pleas of said county, by bill or petition, setting forth the case and the circumstances thereof, which court, affidavit being made of the material facts, may, and they are hereby authorised, directed and empowered, to issue a subpoena, for any person or persons, who may appear to be interested in the matters contained in the said bill or petition, if residing within this Commonwealth; and if without the same, the said court may direct and order an advertisement to be published for four weeks, or more, in such public newspapers as may be published in the county town of said county, as well as in such other newspapers as the said court may direct and order, or in lieu thereof direct personal service, giving notice of the said application, and requiring all persons whom it may concern, to appear in court, in term time, or at such other time as the judges thereof, or a majority of them shall direct and appoint, to make their answer upon oath or affirmation, to the said bill or petition; and when the answer is filed, or in case the parties subpoenaed or others do not attend or answer; that in either case, the said court in term time, or at such other times as the judges thereof, or a majority of them may appoint, may and shall examine any witness or witnesses, or cause their depositions to be taken, before some person or persons authorised and appointed

to take the same, by commission or order, respecting the fact alleged in the said bill or petition, and have such other proceedings, in a summary way, to ascertain and establish the said facts, and make such order and decree in the premises as to justice and equity shall appertain; and in case the party against whom the said bill or petition is filed, shall decline to appear and make answer to the same, on oath, then all the matters stated in the said bill or petition shall be taken *pro confesso*, and the court shall proceed in like manner as if the said matters had been fully established by testimony.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the prothonotary and clerk of the respective courts in the said county of Erie, to procure dockets for the purpose of entering the proceedings had under this act; and it shall be the duty of the proper courts as aforesaid, to cause all actions pending and judgments obtained, and all orders, records, decrees and proceedings, entered under the proceedings of this act, to be entered in the dockets provided for that purpose, and filed of record, to have the same force and effect as if the original records and proceedings had never been destroyed; and the said records and proceedings so entered and filed of record, or a copy thereof authenticated under the hand of the proper prothonotary or clerks, and seal of the proper court, may and shall, at all times hereafter, be read upon any trial or controversy, in which the original would have been evidence, as fully, to all intents and purposes, as if the original had never been destroyed.

Dockets to be procured and kept.

Records and proceedings to have the same force and effect as originals.

SECT. 3. *And be it further enacted by the authority aforesaid* That it shall be the duty of the aforesaid courts, when they order a judgment to be re-entered, to fix the lien of the same, and to cause a judgment to be entered *nunc pro tunc*, which said judgment, when so entered, shall be a lien from the original date of the judgment, provided that the court may, on a scire facias quare executionem non, or post annum et diem, or other scire facias, permit the defendant or other persons interested, to file a special plea, denying the time the said lien commenced, which plea shall be verified by the oath or affirmation of the defendant or other persons interested, that he verily and sincerely believes the same to be true, in which affidavit he shall also state, as fully as within his power, the time when the lien commenced; whereupon the parties shall take issue on such plea, as well as on the general pleas that may be filed, and the jury shall find the issue, formed on the special plea, under the direction of the court, as in other cases; the amount found due to be a lien from the time the judgment was first entered.

Proceeding where judgment is ordered to be re-entered.

SECT. 4. *And be it further enacted by the authority aforesaid,* That when any writ of scire facias has issued to revive any judgment, or to continue the lien thereof, or shall hereafter issue, the same is hereby declared to be good and available for that purpose; and it shall and may be lawful for the court to

Where scire facias issues to revive a judgment,

copies of the deeds, mortgages, conveyances or other writings as aforesaid, can be had or the contents proved, it shall and may be lawful for the party to have the same recorded, together with the decree and order of the court; and the said court when they can be satisfied of the fact, may order the said decree and the copy or contents of the said deeds, mortgages or other writings, to be recorded as of the time such instrument or writing was first entered and recorded.

Assessments
of taxes for
1823, declar-
ed legal.

Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the assessments of taxes made in the county of Erie, for the year one thousand eight hundred and twenty-three, is hereby declared to be legal, valid and effectual; and it shall and may be lawful for the proper officers to proceed and collect the same: *Provided,* That in the township of Conniatte, the commissioners of Erie county may cause a tax to be laid and assessed in the year one thousand eight hundred and twenty-four, which will be equal to the apportionment with the other townships of the said county, for the two years of one thousand eight hundred and twenty-three and one thousand eight hundred and twenty-four.

Duty of com-
missioners
where taxes
on unseated
lands remain
in arrear.

SECT. 11. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the commissioners of the said county of Erie, to cause to be made out and entered in a book, the arrearages of taxes due and unpaid on each tract of unseated land, where the owners have neglected to pay their taxes, stating particularly the years and the amount; and unless the same is paid, it shall be lawful to sell the said lands for the said arrearages of taxes and costs, and the sales so made shall be as valid and effectual as if the commissioners, office had not been destroyed by fire, or the original assessments lost or destroyed.

Surveyors to
be appointed
to resurvey
the roads.

SECT. 12. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the court of quarter sessions of Erie county, to appoint not more than six and not less than three surveyors, whose duty it shall be to re-survey the roads which have been laid out, returned and confirmed in the said county of Erie, and make returns thereof to the said court of quarter sessions; and it shall be the duty of the said surveyors, in making such re-surveys, to confine themselves to the surveys of the said roads as originally laid out, as far as the same shall be practicable; and before entering on the duties of said appointment, they shall take an oath or affirmation to that effect, and to perform the duties of their appointment with fidelity; and it shall and may be lawful for the said court, at the next sessions after the said returns are made, to confirm the same; and the said returns of re-surveys so made as aforesaid, after they shall have been confirmed by the court, shall have the same force and effect, and shall be taken and received, to all intents and purposes, as the original returns and records of said courts: *Provided,* That before the confirmation thereof, any person shall be allowed to except to

To be under
oath.

Duty of the
court of
quarter ses-
sions.

Proviso.

the confirmation of such re-surveys, on the ground that they were not conformable to the original surveys, which shall be adjudged and determined by the said court; and the said surveyors shall be allowed the sum of one dollar and fifty cents per day, while employed in said work, to be paid out of the funds of the said county.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the provisions of this act, so far as they relate to the mode of proceeding in the court of common pleas, as is herein before mentioned, shall be and continue in force during the period of five years from and after the passing of the same, and no longer; and it shall be the duty of the judges of the court of common pleas of the said county of Erie, or a majority of them, to hold adjourned courts, as often and as long as may be necessary to carry the provisions of this act into effect; and they shall respectively receive the sum of one dollar and fifty cents per day, in addition to their respective salaries, during the time that they hold adjourned courts, to carry the provisions of this act into effect; said sum to be paid out of the funds of the treasury of said county.

Provisions of this act, &c. to be in force for five years.

Adjourned courts to be held, and additional compensation authorised.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XLIX.

AN ACT

For the relief of Elizabeth M^{rs} Neal, and others, widows of revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and

Gratuity and annuity granted to E. M'Neal, C. Markley and E. Shubert. required, to pay to Elizabeth M'Neal, of Montgomery county; to Catharine Markley, of Adams county; and to Elizabeth Shubert, of Philadelphia county, or to their respective orders, forty dollars each, immediately, and an annuity of forty dollars to each, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

SECT. 2. *And be it further enacted by the authority aforesaid,* Ditto to John Boyd for the use of Elizabeth Lyon. That the State Treasurer be and he is hereby authorised and required, to pay to John Boyd, Esquire, or order, of Northumberland county, forty dollars immediately, and an annuity of forty dollars, payable half yearly, for the use of Elizabeth Lyon, of said county, during her life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHUIZE.

Chapter L.

A FURTHER SUPPLEMENT

To the act entitled "An act to enable the Governor of this Commonwealth to incorporate a company for making an artificial or turnpike road, from the intersection of the Bristol and Newtown roads, at the Rocks, in Oxford, through Bustleton and Smithfield, in the county of Philadelphia, to the Buck tavern, in South Hampton, in the county of Bucks.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the time for completing the said road be and is hereby extended for ten years, from and after the passing of this act, reserving to the company, all their privileges, liberties and

franchises, and all their rights and powers for carrying on and completing the said road, within the time so extended, in as complete a manner as they have heretofore enjoyed them.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-fifth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter II.

A FURTHER SUPPLEMENT

To the act entitled “An act to enable the Governor to incorporate a company for making an artificial road from the Spring house tavern, in Montgomery county, to the borough of Northampton, in the county of Lehigh, and to the town of Bethlehem, in the county of Northampton,” and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Patrick Logan, of Montgomery county, or order, immediately after the passage of this act, the sum of fifteen hundred and ninety-three dollars, out of the balance of the subscription authorised by the supplements to the said act, passed the eighth day of February, one thousand eight hundred and sixteen, and the twenty-fourth of March, one thousand eight hundred and seventeen; and that as soon as the said company shall have extended and completed the said road, to Trewig's tavern, and the same shall be approved, as is directed by the act to which this is a further supplement, the governor is hereby required to draw his warrant on the State Treasurer, in favour of the said company, for the sum of seven thousand one hundred and fifty-seven dollars, being the residue of the said subscription, authorised by the said supplementary acts; and the said company, on receiving the said warrant, are

\$1593, to be paid to Patrick Logan.

When the balance of the appropriation is to be paid.

hereby required to cause a certificate of one share of the stock in the said company, for every fifty dollars of said sums, to be deposited in the office of the State treasurer; and the dividends arising thereon shall, from time to time, as they are declared, be paid into the state treasury.

Indiana and
Ebensburg
turnpike
company to
settle ac-
counts with
persons who
have done
work, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the president and managers of the Indiana and Ebensburg turnpike road company, before they shall draw out of the state treasury, any further part of the state's subscription, to the stock of said company, to settle the accounts of all such persons who may or shall have performed work, labor or service, and to whom they are indebted, for work done on contracts on any part of said turnpike road, and who hold the accounts in their own right, without having heretofore made a transfer to any other person; and the amount due and payable to them, respectively, shall be certified by the president and attested by the treasurer, under their corporate seal; a duplicate of each certificate shall be transmitted, by the treasurer of each of said companies, to the State Treasurer, and the certificate given to each individual creditor or creditors, for labor performed as aforesaid, shall be received by the state treasurer, and shall be paid by him to the holder or holders thereof, or to his or their order; and the amount so paid, shall be deducted by the State Treasurer, from the appropriation made to said turnpike road: *Provided*, That if in the settlement of the accounts, for work done, any misunderstanding should arise, or shall have arisen, to prevent the settlement of any account, the amount in dispute shall be certified to the State Treasurer, and shall be retained until the dispute shall be settled, and when thus certified, shall be considered as if settled agreeably to this section, so far as to enable the company to draw the surplus, if any: *And provided further*, That if the said contractors shall not come forward and settle their accounts agreeably to the provisions of this act, on or before the first day of October next, they shall not be entitled to the advantages thereof.

Proviso.

2d proviso.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LII.

AN ACT

Authorising the Land Officers to issue a patent for a tract of donation land, to George Crow, a soldier of the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Land Officers be and they are hereby authorised and required, to issue a patent free of expense, for lot number one thousand eight hundred and sixty, in the second donation district, to George Crow, of Bucks county, a soldier of the revolutionary war.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LIII.

A FURTHER SUPPLEMENT

To an act entitled "An act to incorporate that part of the Northern Liberties, lying between the middle of Sixth-street and the river Delaware, and between Vine-street and the Cohocksink creek," and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

In what case wholesome water may be introduced into the N. L. That the board of commissioners of the incorporated district of the Northern Liberties, shall have full power and authority, upon the application, in writing, of a majority of the owners of real estate, on any street, road, lane or alley, within said district, to introduce the Schuylkill, or other wholesome water, which the said commissioners may hereafter contract for, into any such street, road, lane or alley: *Provided*, Not less than one, nor exceeding two squares, be included in any such application; and the property fronting on any such street, road, lane or alley, shall be taxed and liable for all the expenses that may be incurred, for laying the pipes, in proportion to its extent, in front, and also shall be subject thereafter, to all such taxes or assessments that may be laid, from time to time, for keeping up the necessary supply of water, and the expenses attendant thereon: *Provided*, That all corner

Proviso.

2d Proviso.

3d Proviso.

Taxes assessed agreeably to the first section of this act to be a lien &c.

Board of commissioners authorised to make by-laws.

Water may be introduced into Sixth-street.

SECT. 2. *And be it further enacted by the authority aforesaid*. That all taxes or assessments, that shall or may hereafter be assessed and laid on any of the property in said district, agreeably to the first section of this act, shall be a lien on such property; and shall be paid in preference to any other subsequent incumbrance on such property, and be recovered and collected in the same way as county taxes are or may hereafter be collected, or by an action of debt, against the owner or owners of any such property, before any tribunal having jurisdiction of the amount.

SECT. 3. *And be it further enacted by the authority aforesaid*, That the said board of commissioners be and they are hereby authorised, to make, ordain and establish, such laws, ordinances and regulations, as shall or may be necessary for the regulation and distribution of said water, and all other matters and things connected therewith, and the same to enforce, agreeably to the provisions of an act to which this is a further supplement, and also to make, alter and amend the same, as occasion may require.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the commissioners aforesaid, shall have full power and authority to introduce the said water, into Sixth-street, upon the principles prescribed in the first section of this act, and to tax the property on the west side of the said street, and

such other as make use of said water, for the expenses thereof, and collect the said taxes in the same manner as if the said property was within the bounds of the incorporated district of the Northern Liberties: *Provided*, That a majority of the owners of the property, on the said street, within the distance of any one square, shall agree thereto, and not otherwise.

SECT. 5. *And be it further enacted by the authority aforesaid*, That from and after the passage of this act, the president, managers and company, of the Germantown and Perkiomen turnpike road, shall cede to the commissioners and inhabitants of the incorporated district of the Northern Liberties, the jurisdiction of that part of the Germantown and Perkiomen turnpike road, which begins at the north side of Vine street, in the city of Philadelphia, and extending to the northern boundary of the incorporated district of the Northern Liberties, to be levelled, regulated, repaired and otherwise governed, as other streets are in the said district, by the said commissioners, without any expense whatever to the said turnpike road company; they, the said president, managers and company of the Germantown and Perkiomen turnpike road, retaining and having full power and authority to assess, demand, collect and receive, at their gate, at or near Turner's lane, such tolls from all persons using the said road, as by law is or may be authorised to be collected, to the north side of Vine-street: *Provided always*, That the said president, managers and company, shall and do, on or before the twelfth day of May next, remove their gate, number one; and from and after that day, shall have no gate, crane or other obstruction on said road, south of Turner's lane, for the collection of tolls, or for any other use or purpose, whatever, except that of depositing materials necessary for repairing said road, north of the northern boundary of the said district.

Part of the Germantown and Perkiomen turnpike road to be ceded to the comms. &c. with certain exceptions.

Provido.

SECT. 6. *And be it further enacted by the authority aforesaid*, That so much of any act or acts as is hereby altered and supplied, be and the same are hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter LIV.

AN ACT

For the relief of William Hinton, and Mary M'Lain and Mary Shade.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to William Hinton and to Mary M'Lain, of Centre county, and to Mary Shade, of Cumberland county, each forty dollars, immediately, and an annuity of forty dollars each, during life, payable to them or their order, commencing on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LV.

AN ACT

Further to continue an act to encourage the warranting and patenting of lands, north and west of the rivers Ohio and Allegheny, and Conewango creek.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the acts passed on the first and twentieth days of March, one thousand eight hundred and eleven, relative to the settlement of disputed titles, and to encourage the patenting of lands, north and west of the rivers Ohio, Allegheny and Conewango creek, and the provisos to the act passed the fourteenth day of March, one thousand eight hundred and

fourteen, entitled "An act explanatory of an act entitled "An act for the sale of vacant lands within this Commonwealth," be and the same are hereby continued in force, until the first day of April, one thousand eight hundred and twenty-six.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE,

Chapter LVI.

AN ACT

For the relief of Mary Lorentz, widow of an old soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Mary Lorentz, of Northumberland county, or her order, forty dollars immediately, and an annuity of forty dollars, during life, payable half yearly, to commence on the first of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LVII.

AN ACT

For the further relief of the indigent Deaf and Dumb, within this Commonwealth,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorised to draw his warrant on the State Treasurer, in favor of Robert Patterson, Henry Simpson and William Allen, for one thousand dollars, for indemnifying the Philadelphia asylum of the deaf and dumb, for the tuition of poor children already taught in that institution.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LVIII.

AN ACT

Authorising the laying out a state road, from Waynesburg, in Greene county, to intersect the national road, in Fayette county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That John Fordyce, of Greene county, Thomas Boyd and John Shreeve, of Fayette county, be and they are hereby appointed commissioners, to view, lay out and mark a state road, from the borough of Waynesburg, in Greene county, thence through the counties of Greene and Fayette, the nearest and most advantageous route, to afford a good and direct

Commissioners appointed to lay out a road from Waynesburg in Greene county, &c.

communication, between Waynesburg, in Greene county, and Smithfield, in Somerset county, which road shall intersect the Monongahela river, at or near some point where there is a good ford, and be located on such ground, that when made, shall not exceed five degrees of ascent or descent from a horizontal line.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall assemble, at the town of Waynesburg, aforesaid, any time before the thirtieth day of June next, as they or a majority of them may agree, and shall proceed to view and lay out said road, by courses and distances, as hereby directed.

When and where commissioners are to meet.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, one of whom shall act as surveyor, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation, before some justice of the peace, in any one of the counties aforesaid, faithfully and impartially to perform the duties enjoined upon them by this act; and shall be entitled to receive one dollar and fifty cents for each day they shall necessarily be employed in said work, together with reasonable allowance for chain carriers and one marker; and the accounts of the said commissioners shall be adjusted, and settled, by the commissioners of the counties through which said road may pass; and such expenses shall be paid by the respective counties, in proportion to the distance said road may pass through the same; the money to be paid by warrants drawn by the commissioners of the respective counties, and paid by the treasurers thereof.

Commissioners to be under oath.

Their compensation.

Accounts how settled.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, to make out a fair draft of said road, by courses and distances, shewing where the same crosses any stream of water, worthy of note, and noting the towns and villages through which said road may pass, and where situated thereon, with such other remarks as may serve to designate the route; one of which drafts shall be deposited in the office of the Secretary of the Commonwealth, and shall also deposit one copy of said draft in each office of the clerk of quarter sessions of the respective counties through which the said road may pass, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened, made and repaired, in all respects, as other roads are opened, made and repaired, which are or shall be laid out by order of the courts of quarter sessions of the counties aforesaid.

Drafts to be made.

Where to be deposited.

SECT. 5. *And be it further enacted by the authority aforesaid,* That in case of the death of either of the commissioners named in the first section of this act, or refusal to take upon himself or themselves the duties required of them by this act,

Mode of supplying vacancies.

then and in such case, the Governor is hereby authorised and required to appoint a suitable person or persons to fill such vacancy or vacancies.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LIX.

AN ACT

Providing for the appointment of a board of commissioners for the purpose of promoting the internal improvement of the state.

Commission-
ers to be ap-
pointed.

Routes of
proposed
canals.

Report to
be made to
the Gover-
nor.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorised and required, to appoint three commissioners, whose duty it shall be to view and explore a route for a canal from Harrisburg to Pittsburg, by the waters of the Juniata and Conemaugh rivers, and also, the route by the West Branch of the Susquehanna, and Sinnemahoning, with the waters of the Allegheny river, and also the country between the Schuylkill and the Susquehanna, through the Great Valley of Chester and Lancaster counties; and when these are effected, the commissioners shall view and explore a route, beginning at a point on the Schuylkill river, in the county of Schuylkill, thence by Mahanoy creek, the river Susquehanna, the Moshannon or Clearfield and Black Lick creeks, the Conemaugh, Kiskiminetas and Allegheny rivers, to Pittsburg; and who shall make report to the Governor, to be laid before the next legislature, accompanied with estimates of the probable expense of completing the same, the quantity of water at the summit levels, and the number of locks necessary, with such topographical

and other observations as may tend to elucidate the subject, and enable the legislature hereafter to act with a full knowledge of all the necessary facts.

SECT. 2. *And be it further enacted by the authority aforesaid,* Commissioners That the said commissioners are hereby required to employ an engineer, and such other aid or assistance as they may find necessary, to enable them to fulfil the object of this act; and the said commissioners shall be entitled to receive respectively, three dollars per day for their services and traveling expenses, and also such other reasonable expenses as may necessarily be incurred in the performance of the duties hereby assigned to them; all which shall be settled by the Auditor General, and paid by the State Treasurer: *Provided,* That if a vacancy should happen, by a refusal to serve or otherwise, of either of the said commissioners, the remaining commissioner or commissioners shall appoint another to supply such vacancy or vacancies.

Commissioners authorised to employ an engineer, &c.
Compensation.
Accounts how settled and paid.
Proviso, as to vacancies:

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LX.

AN ACT

Authorizing reviews of parts of certain state roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Robert M'Clay, William Gamble, of Fannet township, and Thomas M'Clelland, Esq. of Lurgan township, Franklin county, be and they are hereby authorised and required, Commissioners appointed to review part of

a road in
Fannet and
Metal town-
ships, Frank-
lin county.

on or before the first day of December next, to review that part of the state road which lies between the foot of the mountain, about one hundred rods east of Mary Temmon's house, in Fannet township, Franklin county, and the foot of the Tuscarora mountain, in Metal township, Franklin county aforesaid, and if they, or any two of them, shall be of opinion that better ground can be selected, without materially increasing the distance, and so as to lessen the expense of opening and keeping the said road in repair, they, or a majority of them, shall proceed to survey and lay out the same, and shall cause a draft, with the courses and distances marked thereon, to be deposited in the office of the clerk of the court of quarter sessions of the county of Franklin, which shall be a record of said road, and from thenceforward shall, to all intents and purposes, be a public road, and shall be opened and kept in repair, as is required by the original act by which the said road was laid out, any part of said road which may be altered, be, and the same is hereby vacated.

To be un-
der oath.

Compensa-
tion.

Accounts
how settled
and paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties required of them by this act; and they shall each receive one dollar for each day they may be necessarily employed in said work, together with a reasonable allowance for surveying, chain carriers and markers; and the accounts of the said commissioners shall be adjusted and settled by the county commissioners of Franklin county, and paid by warrants drawn on the treasurer by said commissioners.

Road already
laid out not
to be open-
ed until, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the supervisors of Fannet and Metal townships aforesaid, shall not proceed to open or repair the said state road through said townships, until the said viewers have performed the duties required of them by this act.

Review of
part of the
state road
from Lan-
caster to
Sunbury, in
Dauphin co.
authorised.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Dauphin, shall have authority, upon application by petition to them made, to grant a review of so much of the state road from Lancaster, through Jonestown, to the borough of Sunbury, in the county of Northumberland, as is laid out between the Pine Corner, near the house of Jacob Hoffman, jr. and the saw mill of Mathias Deibler, in Lykens township, in the county of Dauphin; and the viewers shall have power to lay out the same, on other ground, if they think the interest of the community would be thereby promoted; and at the same time to inquire of and vacate so much of any part of the said state road as is laid out between the said Pine Corner and the said saw mill, which they shall judge to be useless, inconvenient and burthensome. And the said court shall proceed therein, by views and reviews thereof, in the same manner as

they are authorised to do and is usually practised, in laying out public roads and highways.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Northumberland, shall have the same power and authority as is granted by the fourth section of this act, to the court of quarter sessions of Dauphin county, to grant views and reviews, with like powers to the viewers, upon so much of the said state road mentioned in said section, as is within the bounds of Northumberland county.

Review of part of said road, in Northumberland co. authorized.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the same allowance shall be made in each case to the viewers as is made in similar cases for county roads, when they are appointed by the court, to be paid out of the treasury of the county, on warrants drawn by the commissioners of the same.

Compensation to viewers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That John M'Cullough, Andrew S. White and Cadwallader Baker, be and they are hereby appointed viewers, to review that part of the state road between the borough of Butler and Newcastle, which lies between the eastern line of Muddy creek township, and Bittner's farm, and to make such alteration in the location of the said section of the road as shall be for the benefit of the public; and the said viewers shall deposit in the office of the clerk of the court of quarter sessions of Butler county, a draft, shewing the alterations and location which shall by them have been made; and the road so located shall be opened and kept in repair by the township of Muddy creek; and the said viewers shall receive for their services, one dollar per day, to be paid by the county of Butler.

Commissioners appointed to review part of a state road from Butler to Newcastle.

Compensation.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

a road in
Fannet and
Metal town-
ships, Frank-
lin county.

on or before the first day of December next, to review that part of the state road which lies between the foot of the mountain, about one hundred rods east of Mary Temmon's house, in Fannet township, Franklin county, and the foot of the Tuscarora mountain, in Metal township, Franklin county aforesaid, and if they, or any two of them, shall be of opinion that better ground can be selected, without materially increasing the distance, and so as to lessen the expense of opening and keeping the said road in repair, they, or a majority of them, shall proceed to survey and lay out the same, and shall cause a draft, with the courses and distances marked thereon, to be deposited in the office of the clerk of the court of quarter sessions of the county of Franklin, which shall be a record of said road, and from thenceforward shall, to all intents and purposes, be a public road, and shall be opened and kept in repair, as is required by the original act by which the said road was laid out, any part of said road which may be altered, be, and the same is hereby vacated.

To be under
oath.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties required of them by this act; and they shall each receive one dollar for each day they may be necessarily employed in said work, together with a reasonable allowance for surveying, chain carriers and markers; and the accounts of the said commissioners shall be adjusted and settled by the county commissioners of Franklin county, and paid by warrants drawn on the treasurer by said commissioners.

Compensa-
tion.

Accounts
how settled
and paid.

Road already
laid out not
to be open-
ed until, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the supervisors of Fannet and Metal townships aforesaid, shall not proceed to open or repair the said state road through said townships, until the said viewers have performed the duties required of them by this act.

Review of
part of the
state road
from Lan-
caster to
Sunbury, in
Dauphin co.
authorised.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Dauphin, shall have authority, upon application by petition to them made, to grant a review of so much of the state road from Lancaster, through Jonestown, to the borough of Sunbury, in the county of Northumberland, as is laid out between the Pine Corner, near the house of Jacob Hoffman, jr. and the saw mill of Mathias Deibler, in Lykens township, in the county of Dauphin; and the viewers shall have power to lay out the same, on other ground, if they think the interest of the community would be thereby promoted; and at the same time to inquire of and vacate so much of any part of the said state road as is laid out between the said Pine Corner and the said saw mill, which they shall judge to be useless, inconvenient and burthensome. And the said court shall proceed therein, by views and reviews thereof, in the same manner as

they are authorised to do and is usually practised, in laying out public roads and highways.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Northumberland, shall have the same power and authority as is granted by the fourth section of this act, to the court of quarter sessions of Dauphin county, to grant views and reviews, with like powers to the viewers, upon so much of the said state road mentioned in said section, as is within the bounds of Northumberland county.

Review of part of said road, in Northumberland co. authorised.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the same allowance shall be made in each case to the viewers as is made in similar cases for county roads, when they are appointed by the court, to be paid out of the treasury of the county, on warrants drawn by the commissioners of the same.

Compensation to viewers.

SECT. 7. *And be it further enacted by the authority aforesaid,* That John M'Cullough, Andrew S. White and Cadwallader Baker, be and they are hereby appointed viewers, to review that part of the state road between the borough of Butler and Newcastle, which lies between the eastern line of Muddy creek township, and Bittner's farm, and to make such alteration in the location of the said section of the road as shall be for the benefit of the public; and the said viewers shall deposit in the office of the clerk of the court of quarter sessions of Butler county, a draft, shewing the alterations and location which shall by them have been made; and the road so located shall be opened and kept in repair by the township of Muddy creek; and the said viewers shall receive for their services, one dollar per day, to be paid by the county of Butler.

Commissioners appointed to review part of a state road from Butler to Newcastle.

Compensation.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter LXI.

AN ACT

Appointing commissioners to view and lay out certain state roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Joab Bailey, Esquire, and David Gray, Esquire, of Greene county, and David Frazer, of Washington county, be and they hereby are appointed viewers, to view and lay out a state road, from Greensburg, in Greene county, through the borough of Waynesburg, to West Alexandria, in Washington county.

Road from
Greensburg
to West Al-
exandria to
be laid out.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners shall assemble at Greensburg, in Greene county, on or before the fourth Monday of June next, and proceed to view and lay out a state road, as aforesaid, by courses and distances, passing through the borough of Waynesburg, to the town of West Alexandria, as aforesaid, with as little loss of distance as the face of the country and other important circumstances will admit, which road shall be located on such ground that, when made, it shall not in any part exceed an angle of five degrees ascent or descent from a horizontal line.

When and
where com-
missioners
are to meet.

Route.

Commission-
ers to be un-
der oath.

SECT. 3. *And be it farther enacted by the authority aforesaid,* That the said commissioners, before they proceed to perform the duties required of them by this act, they shall each take an oath or affirmation, before some justice of the peace in and for Greene or Washington counties, faithfully and impartially to perform the duties required of him by this act.

Three drafts
to be made.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the said commissioners shall make three complete drafts of said road, by courses and distances, shewing where the same crosses any stream of water worthy of note, noting the villages and farms through which the said road may pass, and where situated thereon, with such other important circumstances as may serve to designate the route; one of which drafts shall be deposited with the Secretary of the Commonwealth, one other with the clerk of the court of quarter sessions of Greene county, and the other with the clerk of the court of quarter sessions of Washington county, any of which drafts shall be a legal record of said road; and the said road shall thenceforth be a public highway, and shall be opened, made and kept in repair, in all respects, as roads laid out by authority of the courts of quarter sessions, under the authority of the general road laws, are or shall be opened, made and kept in repair.

Where to be
deposited;

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said commissioners shall each be entitled to receive

one dollar and fifty cents per day, for each day necessarily employed in performance of the duties required of him by this act; and the said commissioners shall be entitled to a reasonable allowance for one marker and two chain bearers, to be paid out of the treasuries of the counties of Washington and Greene, in proportion to the distance that the said road passes through the said counties respectively, on a warrant or warrants drawn by the commissioners in the usual way.

Compensation of commissioners.

How paid.

SECT. 6. *And be it further enacted by the authority aforesaid,* That Wallace M'Williams and Robert Patterson, of Washington county, and John Roberts of Beaver county, be and they are hereby appointed commissioners, to view, mark and lay out, a state road from Washington, in the county of Washington, through Mount Pleasant, Burgetstown; Cross roads and Frankfort, to Georgetown, on the Ohio river, in Beaver county.

Road to be laid out from Washington to Georgetown, Beaver county.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said commissioners shall meet at the town of Washington, in the county of Washington, on or before the third Monday of May next, and proceed to view and lay out a state road, as aforesaid, by courses and distances, with as little loss of distance as the face of the country and other important circumstances will admit, so as not in any part to exceed an angle of five degrees elevation or depression from the plane of the horizon.

Time and place of meeting of commissioners.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the said commissioners shall make three drafts of the said road, by courses and distances, shewing where the same crosses any considerable stream of water, noting the villages and farms through which it may pass, with such other important circumstances as may designate the route, one of which drafts shall be deposited with the Secretary of the Commonwealth, one with the clerk of the court of quarter sessions of Washington county, and the other with the clerk of the court of quarter sessions of Beaver county; which draft shall be a legal record of said road; and the said road shall thenceforth be a public highway, and shall be opened, improved and kept in repair, as roads laid out by authority of the courts of quarter sessions, under the general road laws, are opened, improved and kept in repair.

Three drafts to be made.

Where to be deposited.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the said commissioners, before they proceed to perform the duties required of them by this act, shall take an oath or affirmation, before some justice of the peace, in and for the county of Washington or Beaver, faithfully and impartially to perform the duties required of them by this act.

Commissioners to be under oath.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said commissioners shall each be entitled to receive one dollar and fifty cents per day, for each day necessarily

Their compensation.

Accounts
how settled.

employed in performing the duties required by this act, together with reasonable allowance for one marker and two chain carriers; and the accounts of the said commissioners shall be settled and adjusted by the commissioners of the said counties through which the said road may pass, and be paid by the commissioners of the said counties, by orders drawn on the county treasury, in proportion to the distance said road may pass through each county.

Commissioners appointed to lay out a road from Colebrook Furnace, through Marietta, to H. Sultzbach's in York co.

SECT. 11. *And be it further enacted by the authority aforesaid,* That Thomas Masterson and John Thome, Esquires, of Lancaster county, and Henry Sultzbach, of York county, be and they are hereby appointed commissioners to lay out and mark a state road, from Colebrook Furnace, in Lebanon county, by the nearest and best route to the borough of Marietta, in Lancaster county, to enter the latter place in Gay street, and thence across the river Susquehanna, to intersect the turnpike road leading from Columbia to York, at Henry Sultzbach's tan yard, in York county, the ascent or descent of which road shall, at no point, exceed more than five degrees from a horizontal line; and the said commissioners, or a majority of them, shall proceed to perform the duties required of them by this act, on or before the first Monday of June next, and shall cause a draft of said road to be deposited in the office of the Secretary of this Commonwealth, and shall also deposit a copy of said draft, in the office of the clerk of quarter sessions of the respective counties through which said road may pass, which shall be a record thereof; and from thenceforth, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects, as other roads are opened and repaired, which are laid out by order of the courts of quarter sessions of the counties aforesaid.

Time of the meeting of commissioners.

Drafts to be made.

Commissioners to be under oath.

Their compensation.

Accounts how settled.

SECT. 12 *And be it further enacted by the authority aforesaid,* That each of said commissioners, before he enters on the duties of said appointment, shall take and subscribe, before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties required of him by this act, and shall receive two dollars for each day he or they shall be necessarily employed in said work, together with a reasonable allowance for chain carriers and one marker; and the accounts of said commissioners shall be adjusted and settled by the county commissioners of Lebanon, Lancaster and York, and paid out of the respective county treasuries, on warrants drawn by the county commissioners of the same, in proportion to the distance the said road may pass through each county.

Vacancies how supplied

SECT. 13. *And be it further enacted by the authority aforesaid,* That in case of death, resignation, inability or refusal to serve, of any of the commissioners named in this act, the court of quarter sessions of the county in which the vacancy happens

is hereby authorised and required, to appoint a successor or successors, as the case may be, to fill such vacancy or vacancies.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXII.

AN ACT

For the protection of Vineyards.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passage of this act, any person or persons who shall wilfully and maliciously break, cut or otherwise injure or destroy any grape vines, growing or cultivated in any vineyard, within this Commonwealth, shall be deemed guilty of malicious mischief, and be liable to indictment, in the court of quarter sessions of the county wherein the said offence shall have been committed; and being duly convicted thereof, shall pay a fine, in the discretion of the court, of not less than five dollars nor more than one hundred dollars, and be committed to the jail of the proper county, for a term not less than one nor more than twelve months, and be clothed, fed and treated as persons convicted of larceny.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXIII.

A FURTHER SUPPLEMENT

To the act entitled, "An act provisionally organising the counties of Potter and M'Kean, and for other purposes," passed the twenty-sixth day of March, one thousand eight hundred and fourteen.

When M'-Kean and Potter shall be separated.
Officers to which they shall be entitled.
Authorities and privileges of officers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the second Tuesday of October next, the provisional counties of M'Kean and Potter shall be separated and detached from each other, and each of the said counties shall be entitled to and have a separate board of commissioners, separate auditors and other county officers, as other provisional counties, within this Commonwealth, are entitled to and have; which said Commissioners, auditors and other county officers, shall have and enjoy all and singular such authorities and privileges, in the said counties respectively, and receive such compensation, as the like officers elected and appointed for the said counties, jointly, now have, enjoy and receive, under the act to which this is a supplement.

M'Kean to elect two commissioners.
And two Auditors.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the electors of the said county of M'Kean, shall, on the said second Tuesday of October next, elect two persons as commissioners for the said county, of which the highest in vote to serve for the term of three years, and the next highest for the term of one year; and the said electors shall, at the same time, elect two persons as auditors of said county, of which the highest in vote to serve for the term of three years, and the next highest for the term of one year; and a succession of such commissioners and auditors shall thereafter be kept up in the said county of M'Kean, in the manner provided by the laws of this Commonwealth, in the case of other counties in this state.

Potter to elect two commissioners.
Also two Auditors

SECT. 3. *And be it further enacted by the authority aforesaid,* That the electors of the said county of Potter, shall, on the said second Tuesday of October next, elect two persons as commissioners for the said county, of which the highest in vote to serve for the term three years, and the next highest in vote for the term of two years; and the said electors shall, at the same time, elect two persons as auditors for the said county, of which the highest in vote to serve for the term of three years, and the next highest in vote for the term of two years, and a succession of such commissioners and auditors shall thereafter be kept up, in the manner provided by the laws of this Commonwealth, in the case of other counties in this state.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the commissioners of the county of M'Kean shall hold their offices in the town of Smithsport, in the said county; and the commissioners of the county of Potter shall hold their offices in the town of Coudersport, in the said county.

Where commissioner's offices are to be held.

SECT. 5. *And be it further enacted by the authority aforesaid,* That for the purpose of making the returns of elections, held in the said counties, for such officers as are by law required to be elected by the qualified voters of the said counties, in conjunction with the qualified voters of other counties, in this state, it shall be the duty of the return judges of the several election districts, in the said counties of M'Kean and Potter, to meet, on the Friday next ensuing the day of the election, at the office of the county commissioners, in the town of Smithsport, in the said county of M'Kean; and after having formed the return of the whole election, in the said counties of M'Kean and Potter, in such manner as is by law directed in the case of counties organised for judicial purposes, one of the said judges shall take charge of the certificates thereof, and produce the same at the meeting of the return judges now provided by law to be held at the court house in the borough of Williamsport, in the county of Lycoming, on the seventh day after the election.

Mode of making returns &c. where officers are elected in conjunction with other counties.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the act entitled "A further supplement to the act entitled, "An act for laying out, making and keeping in repair, the public roads and highways in this Commonwealth, and for laying out private roads," passed March twenty-seventh, one thousand eight hundred and twenty, be and the same is hereby repealed, so far as it extends to the said counties of M'Kean and Potter.

Act of twenty-seventh March, 1820, repealed so far as respects M'Kean and Potter counties.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so much of any law as is hereby altered or supplied, be and the same is hereby repealed.

Repealing section.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXIV.

AN ACT

Relative to turnpike road and bridge companies, in which the state holds stock.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passage of this act, in all incorporated companies for making artificial or turnpike roads, or for the erection of bridges, now created, or which may hereafter be created, by virtue of any law of this Commonwealth, and in which any portion of the stock, now is or hereafter shall be held by the state, it shall be the duty of each and every of the presidents and treasurers of the said incorporations, respectively, on or before the second Monday of January next, and on or before the second Monday of January, annually thereafter, to make a report, under oath or affirmation, to the Auditor General, shewing the situation of the company of which they are president and treasurer, to the time fixed by their act of incorporation for the annual settlement of their accounts; and in said report shall be particularly stated, the cost of the road made or making by the said company; the amount of individual subscriptions by persons deemed solvent, to the stock of said company; the amount paid by individual subscribers; the amount paid by the state; the debts due by the company; the amount of tolls received the preceding year; the expenditures for repairs; the amount of debts paid, and to whom; the sums paid to the president, managers, treasurer, secretary and toll gatherers, respectively, for their services; amount of dividends declared during said period, and the surplus fund in the hands of the treasurer; and if any president or treasurer shall neglect or refuse to make out and transmit a statement as before directed, the president or treasurer so neglecting, is hereby disqualified from holding the office of president, manager or treasurer, in said company, for the term of five years; and it shall not be lawful for the managers of any such turnpike road company, to sell or dispose of any of the tolls to be collected on such road, under any contract for keeping the same in repair during any particular term of time.

Reports from all turnpike and bridge companies in which the state holds stock, to be made annually to the Auditor General.

Penalty for neglect.

Tolls to be collected—not to be sold, &c,

Officers of said companies hereafter elected,

SECT. 2 *And be it further enacted by the authority aforesaid.* That the president, managers and treasurer, of the incorporations mentioned in the preceding section, hereafter elected or appointed, shall, before they enter upon the duties of their

office, take and subscribe an oath or affirmation, before a judge or justice of the peace, to perform the duties of their office with fidelity; and the certificate of such oath or affirmation shall be recorded, by the president, in a book to be kept for that purpose.

to be under oath or affirmation.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the treasurers of the respective corporations described in the first section of this act, shall, before they enter upon the duties of their office, give bond with one or more sufficient sureties, to the satisfaction of the board of managers, conditioned for the faithful execution of the duties of his office, and to account for all moneys which may be received by him in pursuance thereof, and that he will deliver to his successor in office, all books of entry, papers and documents, which he may hold in right thereof, and pay him the balance of all moneys due to the said company; and if any treasurer, elected by the company, shall die, resign or refuse or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers shall direct and require, it shall be the duty of the board of managers of such company, for the time being, to appoint some suitable person treasurer of said company, which person so appointed, shall hold the said office of treasurer, until the next election by the stockholders, on giving the security required, and until a successor shall be duly elected and give the necessary security; and if any board of managers shall take insufficient security of the treasurer, the managers approving of the same, shall be liable, in their individual capacity, for any loss sustained by reason of the insufficiency of such security.

Treasurers to give bond.

Vacancies how supplied.

Of taking insufficient security.

SECT. 4. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the treasurers of the said incorporations, within sixty days after the declaration of any dividend or dividends hereafter declared by the directors or managers thereof, respectively, to pay the proportion due to the state, into the treasury of this Commonwealth and within ninety days after the passing of this act, with respect to dividends heretofore declared; and on failure to make such payment, the Auditor General is hereby directed to instruct the Attorney General to bring suit therefor; and it shall be the duty of the Secretary of the Commonwealth, to transmit to the presidents of said companies, a copy of this law.

When dividends shall be paid to the state.

In case of neglect suits to be brought:

SECT. 5. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the meeting of the stockholders of the company for erecting a bridge over the Susquehanna, at the borough of Lewisburg, in the county of Union, shall be held on the first Monday in January, in every succeeding year, in such place as shall be fixed on by the rules and orders of the said company, for choosing officers for the ensuing year, and the determination of any question affecting the interest of said company.

Time of meeting of the directors of the Lewisburg bridge company.

Repeal.

SECT. 6. *And be it further enacted by the authority aforesaid.* That so much of any act or acts as is hereby altered or supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXV.

AN ACT

To organise the provisional county of M'Kean, for judicial purposes and to annex thereto the provisional county of Potter.

When M'-Kean county shall be organised for judicial purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the first day of September, in the year one thousand eight hundred and twenty-six, the inhabitants of the county of M'Kean shall be entitled to and have all and singular the courts, jurisdictions, offices, powers, rights and privileges, to which the inhabitants of other counties in this state are entitled, by the constitution and laws of this Commonwealth.

Officers to be elected.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the said first day of September, in the year aforesaid, the inhabitants of the said county shall elect, under the same laws, rules and regulations as the inhabitants of other counties in this state now do or may, such officers, as by the constitution and laws of this Commonwealth, they are entitled to elect, who shall, within the said county, have and exercise the like power, authority and privileges, and perform the said duties, which the like officers in other counties of this state now have, exercise and perform.

Their powers and privileges.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the sheriff, coroner, treasurer, prothonotary and all such officers as are by law required to give surety for the faithful discharge of the duties of their respective offices, who shall, after the said first day of September, in the year aforesaid, be elected or appointed in the said county, before they or any of them shall enter on the execution thereof, shall give sufficient security, in the same manner and form, and for the same uses, trusts and purposes, as such officers for the time being are subject by law to give, in the other counties of this Commonwealth.

Sheriff, coroners, &c. to give security.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the sheriff, coroner and other officers of the county of Lycoming, who now perform duties within the said county of M'Kean, shall continue to perform the same, until similar officers shall be elected or appointed, and qualified agreeably to law, to act within the said county.

Sheriff, &c. of Lycoming county continued until, &c.

SECT. 5. *And be it further enacted by the authority aforesaid,* That all taxes and arrears of taxes which shall, prior to the said first day of September, in the year aforesaid, have been laid or become due, and all sums of money which shall then be due to the Commonwealth, for militia fines, in the said county, shall be collected and recovered as if this act had not been passed.

Taxes, &c. how collected and recovered.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said county of M'Kean shall, from and after the said first day of September, in the year aforesaid, be attached to and form part of the thirteenth judicial district; and the president of the courts of common pleas within the said district, shall be president of the courts of common pleas of the said county; and the courts of common pleas and quarter sessions and orphans' courts of the said county, shall thereafter commence and be holden on the first Monday after the courts in the county of Tioga; and shall continue one week, if necessary: *Provided,* That if, in the opinion of the judges of the said court, the public business does not require the summoning of a jury to attend in all the courts hereby required to be held, the said judges may dispense with the same, at any term, not exceeding two terms in any one year.

M'Kean attached to thirteenth judicial district.

Time of holding courts.

Provided.

SECT. 7. *And be it further enacted by the authority aforesaid,* That from and after the said first day of September, in the year aforesaid, the judges of the supreme court, the president of the said thirteenth judicial district, and the associate judges to be appointed in and for the said county, shall have and exercise like powers, jurisdictions and authority, within the same county, as by law they are vested with and entitled to have and exercise in other counties of this state; and all process that shall be made returnable to the first term in the said county, shall bear test as of the first day of September, in the year aforesaid.

Powers of the judges.

Test day.

Potter county to be annexed to M'Kean for judicial and elective purposes.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the county of Potter shall, from and after the said first day of September, in the year aforesaid, be annexed to the said county of M'Kean, for judicial and elective purposes; and the jurisdiction of the several courts of the said county of M'Kean, and the authority of the judges thereof, shall extend over and shall operate and be effectual within the said county of Potter; and the return judges of elections shall carry the returns of election of such officers as are elected within the said county of Potter, to the court house, or such other building as may be used as a court house in the town of Smithsport, in the said county of M'Kean: *Provided, always,* That all and singular the costs and expenses in laying out and opening roads; all costs chargeable to the said county of Potter, arising from criminal prosecutions instituted against any person within the said county; and all the costs and expenses incidental to the said county, and which of right should be paid by the same, on account of the jurisdiction of the said several courts of M'Kean and the authority of judges thereof extending over the said county of Potter, and shall be paid by the treasurer of the said county of Potter, on warrants drawn by the commissioners of the said county of M'Kean, and countersigned by the commissioners of the said county of Potter.

Proviso.

Of the transfer of suits from Lycoming county.

SECT. 9. *And be it further enacted by the authority aforesaid,* That all suits which shall be pending and undetermined in the court of common pleas of Lycoming county, on the said first day of September, in the year aforesaid, when both parties in such suit or suits shall be residents of the counties of M'Kean and Potter, or of either of them, shall be transferred to the court of common pleas of the said county of M'Kean, and shall be considered as pending in the said court, and shall be proceeded in like manner as if the same had been originally commenced in said court, except that the fees in the same, due to the officers of Lycoming county, shall be paid to them, when recovered by the prothonotary or sheriff of the said county of M'Kean; and the prothonotary of Lycoming county shall, on or before the first day of June, in the year aforesaid, purchase a docket, and copy therein, all such entries, respecting the said suits to be transferred as aforesaid, and shall, on or before the said first day of September, in the year aforesaid, have the said docket, together with the records, declarations and other papers respecting said suits, so entered therein, ready to be delivered to the prothonotary to be appointed for the said county of M'Kean; the expenses of the said docket and copying to be paid by the treasurer of the said county, upon a warrant to be drawn upon him by the commissioners of the said county.

Of fees.

Duty of the prothonotary of Lycoming.

Expenses how paid.

Court house and offices to be erected.

SECT. 10. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the commissioners of the said county of M'Kean, and they are hereby required, as soon as they

may deem it expedient, to erect or cause to be erected on such parts of public ground in the town of Smithsport, as they may deem best suited thereto, a court house, jail and offices for the safe keeping of the public papers and records of the said county; and until such court house is erected, the courts of justice herein before directed to be held, in the said county, shall be opened and held in such building in the said town of Smithsport, as the said commissioners may obtain for that purpose. Where courts are to be held in the mean-while.

SECT. 11. *And be it further enacted by the authority aforesaid,* That so much of any law of this Commonwealth as is hereby altered or supplied, be hereby repealed, from and after the said first day of September, in the year aforesaid. Repealing section.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE,

Chapter LXVI.

AN ACT

Authorising the Orphans' court of Bucks county, to appoint trustees under the last will and testament of John Corson, deceased, and authorising the sale of certain real estate of Samuel Parker, a lunatic.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That in case of the trustee or trustees of either of them, appointed by the last will and testament of John Corson, deceased, should, after the passage of this act, die, resign, refuse to act or remove from the state, then and in such case it shall and may be lawful for the orphans' court of the county of Bucks, on application duly made by all or any of the parties interested or their legal representatives, to nominate and appoint some suitable person or persons, trustee or trustees under the last will and testament aforesaid, in the place and stead of the Trustees under the last will and testament of J. Corson, deceased, authorised to be appointed.

Proviso:

trustee or trustees so dying, resigning, refusing to act or removing from the state, which said trustee or trustees shall have all and singular the powers and authorities given by the said will to the trustee therein named: *Provided*, That the trustee or trustees to be appointed as aforesaid, shall, before exercising any of the powers by this act conferred, file in the office of the clerk of the orphans' court of said county, security satisfactory to the said court for the faithful performance thereof.

Certain real estate of S. Parker, a lunatic, authorized to be sold.

SECT. 2. *And be it further enacted by the authority aforesaid*, That Josiah B. Richardson and Marshall Preston, of Belerica, in the county of Middlesex, in the commonwealth of Massachusetts, guardians of Samuel Parker, of the same place, a non compos mentis person, be and they are hereby authorised and empowered, jointly or severally, to sell at public or private sale, at such time or times and upon such terms as shall appear to them or either of them, to be most for the interest of the estate of the said Samuel Parker, all the right, title, interest, claim and demand whatsoever, of the said Samuel Parker, of, in and to five certain contiguous tracts of land, situate in Somerhill township, in the county of Cambria, in this state, surveyed on five several warrants, in the names of William Clark, John Clark, Jacob Nagle, Henry Welsh and William Sansom, respectively, bearing date the thirtieth day of November, one thousand seven hundred and ninety-three, and containing in the whole two thousand one hundred and forty-five acres and eighty perches, or any part of the same, and to make and execute a sufficient deed or deeds to the purchaser or purchasers of the same, which deed or deeds shall, by virtue hereof, convey the like interest and have the same force and effect, as if the said Samuel Parker were of sound mind, and the same was or were duly made and executed by him,

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE,

Chapter LXVII.

A FURTHER SUPPLEMENT

To an act, entitled "An act to declare and regulate escheats."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the jury to be summoned and empannelled by any sheriff or coroner in pursuance of any precept issued by any deputy escheator, directed to such sheriff or coroner, shall consist of twenty-four good and lawful men of the proper county; and when the said twenty-four persons so empannelled and returned, or any sixteen or more of them, shall appear, they shall, not exceeding twenty-three in number, be sworn or affirmed, as an inquest, to inquire concerning the matters in said precept set forth, agreeably to the acts of Assembly now in force respecting escheats.

Jury summoned to consist of 24 persons.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no inquiry or proceedings shall be stayed or delayed by reason of the death or absence from any cause, of any person or persons sworn on any jury or inquest, summoned and empannelled in pursuance of this act, or the acts to which this is supplementary: *Provided,* That the jurors remaining shall not be fewer in number than twelve; and where any proceeding has been heretofore commenced and the same has been delayed, by the death of any of the inquest, it shall be lawful for the Auditor General to make a new deputation or appointment, in such case, either of the former deputy or such other person as he may think proper to appoint.

Proceedings not to be stayed, &c.

Proviso:

SECT. 3. *And be it further enacted by the authority aforesaid,* That so much of any former act or acts of Assembly as is hereby supplied, be and the same is hereby repealed.

Repeal:

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

Proviso:

and regulations, not inconsistent with the laws of this Commonwealth, as shall be necessary for the welfare of the said corporation: *Provided always*, That no person shall have more than twenty votes at any election, or in determining any question arising at meetings in the concerns of this corporation, whatever number of shares he or she may be entitled to; and that each person shall be entitled to one vote for every share by him or her held under the said number.

Time of holding annual elections.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the said stockholders shall meet on the first Monday in September, in every succeeding year, at such place as shall be fixed by the by-laws of said company, to be made as aforesaid, for the purpose of electing such officers as aforesaid for the ensuing year.

Certificates of stock to be issued upon the payment of ten dollars on each share.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the president and managers first to be elected as aforesaid, shall procure printed or written certificates for all the shares of stock in said company, and shall deliver one certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for every share by him or her subscribed or held, upon payment to the treasurer, in part of the sum due thereon. the sum of ten dollars for each share, which certificate shall be transferable at such person's pleasure, in person or by attorney, in presence of the president or treasurer, subject however to the payments due and that may become due thereupon; and the assignee, holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation; and every certificate so held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

How transferable.

Powers and rights of assignees.

Of special meetings.

SECT. 6. *And be it further enacted by the authority aforesaid*. That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company. At such meetings three members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary to carry on the building of said bridge, and to fix their salaries and other wages; to ascertain the times, manner and proportions in which the stockholders shall pay instalments on their respective shares, in order to carry on their work; to draw orders on the treasurer for all moneys; to pay the salaries or wages of the persons employed by them, and for materials furnished and labour done, which orders shall be signed by the president, or, in his absence, by a majority of the managers present, and attested by the secretary; and to do and transact all such

Minutes of proceedings to be kept.

Powers and authorities of the board.

other matters and things as by the by-laws and regulations of the company shall devolve on them.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if any stockholder, after thirty days notice, in one or more of the public newspapers printed in the borough of Northampton, and one of the public newspapers printed at Easton, of the time and place appointed for the payment of any portion or instalment of the said capital stock, shall neglect or refuse to pay such instalments or proportion, at the time so appointed, and for the space of forty days thereafter, every such stockholder, or his assignee, shall, in addition to the instalment so called for, forfeit and pay as a penalty for non-performance, at the rate of five per centum per month, for every delay of such payment; and if the same and the said additional penalties shall remain unpaid for such a space of time that the accumulated penalties shall become equal to the sums before paid, on account of such share or shares, the same shall be forfeited to the company aforesaid, and may be sold by them to any other person or persons willing to purchase, for the best price that can be obtained for said stock.

Penalty for neglect to pay instalments.

When shares shall be forfeited.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the president and managers of said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the undertaking, and of all penalties for delay in the payment thereof, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions; and also of all moneys by them expended, in the prosecution of the said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for effecting the same, shall be fully paid and discharged; and the aggregate amount of all such expenses shall be liquidated and ascertained; and if, upon such liquidation, or whenever the whole stock of the company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscription.

Company to keep fair accounts of all moneys received, &c.

In what case number of shares may be increased.

SECT. 9. *And be it further enacted by the authority aforesaid,* That when a good and complete bridge is erected over the river Lehigh, at or near Siegfried's Ferry, or as near the mouth of Calisoque creek as the said company shall judge most convenient, the property of the said bridge shall be vested in the said company as aforesaid, their successors and assigns for-

When bridge is erected, property to be vested in the company.

Rates of toll.

every; and the said company, their successors and assigns, may receive toll from travellers and others, passing over the same, agreeably to the following rates, viz: For every coach, landau, phaeton or other pleasure carriage, with four wheels, or every sleigh or sled, drawn by four horses, the sum of forty cents, and for the same carriages with two horses, the sum of thirty three cents; for every wagon, with four horses, when loaded, the sum of forty cents, and for the same when empty, thirty-one cents; and for every carriage of the same description, drawn by two horses, when loaded, the sum of thirty-three cents, and for the same when empty, twenty-seven cents; for every chaise, riding chair, sulkey, cart or other two wheeled carriage, or a sleigh or sled, with two horses, the sum of twenty-five cents, and for the same with one horse, the sum of fifteen cents; for a single horse and rider, the sum of six and a fourth cents, and every led horse or mule, the sum of five cents; for every foot passenger, the sum of one cent; for every head of horned cattle, the sum of three cents; for every sheep and swine, the sum of one cent: *Provided always*, That nothing contained in this act, shall extend to authorise the said company to erect a bridge without the consent of the owners of the ground on each side of and contiguous to the said river, where the said bridge may be erected, or to erect the same in such manner as to injure, stop or interrupt the navigation of said river.

Proviso.

Two oxen to be equal to one horse.

SECT. 10. *And be it further enacted by the authority aforesaid*, That in fixing the toll of all carriages, drawn wholly or in part by oxen, two oxen shall be estimated equal to one horse.

Penalty for exacting illegal tolls, and for not keeping bridge in good repair.

SECT. 11. *And be it further enacted by the authority aforesaid*, That if the said company, their successors and assigns, and whoever may own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge than what is hereinbefore prescribed and specified, or such rates or prices as may be fixed in pursuance of the thirteenth section of this act, as the case may be, and shall neglect to keep the said bridge in good repair, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of fifteen dollars, one moiety thereof for the use of the poor of Allen township, Northampton county, and North Whitehall township, in Lehigh county, to be equally divided between the said townships, and the other moiety for the use of the person who may sue for the same: *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed.

Proviso.

Account of tolls received to be kept, and dividends declared.

SECT. 12. *And be it further enacted by the authority aforesaid*, That the said president, managers and company, shall also keep a just and true account of all the money received by their several and respective collectors of toll, for crossing the said bridge; and shall make and declare a dividend of the profits and income thereof, among all the stockholders, deducting first therefrom, all contingent costs and charges, and such pro-

portions of the said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing of the said bridge; and shall, on every first Monday in April and October, of every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the said president and managers shall, at the end of every third year, from the date of the incorporation until two years next after the bridge aforesaid shall be completed, lay before the General Assembly of this Commonwealth, an abstract of their accounts, on oath or affirmation, shewing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the said bridge, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and expenditures, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said bridge shall be completed, it shall appear from the average profit of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum, on the whole capital stock of the said company, so expended, then it shall be lawful for the said president, managers and company, to increase the tolls herein allowed, so much upon each and every allowance thereof as will raise the dividends to six per centum per annum; and at the end of every three years after the said bridge shall be completed, they shall render to the General Assembly a like abstract of their accounts, for the three preceding years; and if, at the end of any such triennial period, it shall appear from such abstract, that the clear profits and income of the said company will bear a dividend of more than ten per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to ten per centum per annum.

SECT. 14. *And be it further enacted by the authority aforesaid,* That if the said company shall not proceed to carry on the said work within the space of two years after they have been incorporated, or shall not within the space of seven years from the passing of this act, complete the said bridge, then and in either case, all the rights, liberties and privileges hereby granted, shall cease and determine.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.
WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

When abstracts of accounts shall be laid before the Legislature.

When tolls may be increased.

When to be reduced.

Of the time for commencing and completing the bridge.

Chapter LXIX.

AN ACT

Authorising the laying out a state road, commencing at the town of Warren, in the county of Warren, and to end on the Susquehanna and Waterford turnpike, in Jefferson county.

Commissioners to lay out a road from Warren to Susquehanna and Waterford turnpike.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That John Andrews, of Warren county, John Corbet, of Armstrong county, and John Barnet, of Jefferson county, be and they hereby are appointed commissioners to view, lay out and mark a state road, from the town of Warren, in the county of Warren, to the Susquehanna and Waterford turnpike road, at or near the bridge over the North Fork of Sandy Lick creek, in Jefferson county, on the nearest and best route.

To be under oath.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties enjoined on them by this act; and they shall each receive one dollar and fifty cents for each day they shall necessarily be employed in said work, together with a reasonable allowance for chain carriers and axe-men; and the accounts of the said commissioners shall be adjusted and settled by the respective commissioners of the counties through which said road shall pass, and the expenses shall be paid by the respective counties, in proportion to the distance it shall pass through the same; which moneys shall be paid by warrants drawn by the commissioners of the respective counties, and paid by the treasurers thereof.

Their compensation.

Accounts how settled and paid.

Drafts to be made.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, after performing the duties required of them by this act, to make out a draft of said road, to be deposited in the office of the Secretary of the Commonwealth; and they shall also deposit a copy of said draft in the office of the clerk of the court of quarter sessions of the respective counties through which said road may pass, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as other roads are opened and repaired, which are laid out by order of the court of quarter sessions of the counties aforesaid; and the said commissioners appointed by the first section of this act, shall perform the duties required of them, on or before the first Monday of November next.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case of the death of either of the commissioners named in the first section of this act, or refusal to take upon themselves the duties enjoined on them by this act, then the Governor is hereby authorised to appoint a suitable person or persons to fill such vacancy or vacancies. Of vacancies

SECT. 5 *And be it further enacted by the authority aforesaid,* That the ascent or descent of said road shall in no place exceed five degrees from a horizontal line. Ascent and descent of the road.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXX.

AN ACT

For the relief of Martin Zigler, John Kighler and James Stewart, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Martin Zigler, of Franklin county, and to John Kighler, of Philadelphia county, revolutionary soldiers, or to their respective orders, forty dollars each, immediately, and an annuity of forty dollars to each, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four. Gratuity and annuity granted to M. Zigler and J. Kighler.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required, to pay to James M'Night, or order, for the use of James Stewart, a revolutionary soldier, of Adams county, forty dollars immediately, and forty annually, payable half yearly, Ditto for James Stewart.

during the life of the aforesaid James Stewart, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXI.

AN ACT

For the relief of Paul Maurer, Andrew Reed and Thomas M'Henry, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Paul Maurer, of Schuylkill county, to Andrew Reed, of Chester county, and to Thomas M'Henry, of Columbia county, or to their respective orders, forty dollars each, immediately, and an annuity of forty dollars to each, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXII.

A FURTHER SUPPLEMENT

To the act, entitled "An act for taking lands in execution for the payment of debts."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the first day of August next, in all cases where the sheriff or other proper officer has taken or shall take in execution any lands, tenements or hereditaments, in pursuance of the act to which this is a supplement, he shall advertise the same, with a proper description thereof, once a week, for three successive weeks, in two or more newspapers, printed in the proper county where the said lands, tenements or hereditaments shall have been seized and levied upon; one of which shall be in the German language, if any there be: *And provided* there is but one newspaper printed in the proper county, then he shall advertise in such paper, and in case there is no newspaper printed in such county, then in a newspaper printed nearest thereto; and this publication shall be made in addition to that already required by law: *Provided,* The provisions of this act shall not extend to the city and county of Philadelphia.

Manner of giving notice when lands, &c. are taken in execution:

Proviso

2d Proviso

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any sheriff or coroner shall refuse or neglect to comply with the requisitions contained in the foregoing section, shall forfeit to the person aggrieved, the sum of fifty dollars for every offence, to be sued for and recovered as debts of a like amount are by law recoverable.

Penalty for not complying with the provisions of this act.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-seventh day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXIII.

AN ACT

To erect the town of Montrose, in the county of Susquehanna, into a borough.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the town of Montrose, in the county of Susquehanna, shall be and the same is hereby erected into a borough, which shall be called "The borough of Montrose," which borough shall be comprised within the following boundaries, to wit: Beginning at the west corner of the Montrose plot, agreeably to the map on record in the recorder's office of Susquehanna county, in Deed Book No. 1, page 288; thence south, thirty-five degrees west, forty perches to a post; thence south, fifty-five degrees east, one hundred and sixty perches to a post; thence north, thirty-five degrees east, forty perches to the south corner of said town; thence by the last mentioned course, to a post and stones, twenty perches beyond the east corner of the said town plot; thence north, fifty-five degrees west, to a post and stones, standing twenty perches north thirty-five east from the north corner of said town plot; thence south, thirty-five degrees west, to the place of beginning.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for all persons entitled to vote for members of the Legislature, who have resided in the said borough six months previously to such election, to meet at the court house, in said borough, or at such other place as may hereafter be appointed, on the second Tuesday in April, in every year, and then and there elect, by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen, residing therein, who shall be styled "The burgess of said borough," and nine citizens residing therein, who shall be a town council; and shall also elect, as aforesaid, one citizen a high constable. But previously to such election, the inhabitants shall elect two reputable citizens, as judges, one as inspector, and two as clerks of the said election, which shall be regulated and conducted according to the general election law of this Commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for mal-practices, as by the said law is imposed. And the said judges, inspectors and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the person having the greatest number of votes to be duly elected. And in case any two or more candidates shall have an equal number of votes, the

Borough
erected.

Boundaries
thereof.

Qualifica-
tions of elec-
tors.

Time of elec-
tion, and offi-
cers to be
elected.

Of judges,
inspector and
clerks.

Who are to
be under
oath.

preference shall be determined by lot, to be drawn by the judges and inspector; whereupon duplicate returns thereof shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation. And in case of death, resignation, removal, refusal to accept, or neglect or refusal to act, after acceptance of any of the said offices, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council, shall issue his precept, directed to the high constable, or when there is no high constable or where he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election, in manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough.

Of candidates who have an equal number of votes, &c.

Vacancies how supplied.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the second Tuesday in April next, the burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, in law, by the name and style of "The burgess and town council of the borough of Montrose," and shall have perpetual succession. And the said burgess and town council aforesaid, and their successors, shall be capable, in law, to receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, sell, let and assign, the same lands, tenements, hereditaments, and rents; and by the name and style aforesaid, they shall be capable, in law, to sue and be sued, plead and be impleaded, in any of the courts of law, in this Commonwealth, in all manner of actions, whatsoever, and to have and to use one common seal, and the same, from time to time, at their will to change and alter.

Corporation created.

Style.

Powers and privileges.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if any person an inhabitant of the said borough, and duly qualified to elect, as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of ten dollars; and if any other person duly qualified as aforesaid, shall be duly elected to any other office in the said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of five dollars; which fines and forfeitures, and all others in pursuance of this act, or of the by-laws of the said town council and inhabitants, shall be recoverable before any justice of the peace of said county, for the use of the said corporation: *Provided,* That no person shall be compelled to serve more than one year in any term of four

Penalty for refusing to act as burgess.

Ditto as other officers.

How recoverable.

Proviso.

Chapter LXXIV.

AN ACT

For the relief of Jacob Wolf and sundry other soldiers of the revolutionary war, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby required to pay Gratiuity and annuity to J. Wolf, S. Utter, G. P. Ransom, and J. Tweed. to Jacob Wolf, of Armstrong county; to Samuel Utter, of Perry county; to George P. Ransom, of Luzerne county; and Joseph Tweed, of Lancaster county; or their order, each forty dollars immediately after the passing of this act, and an annuity of forty dollars each, payable half-yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty four.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required, to pay to Ruth Thompson, of Chester county, or order, forty dollars immediately, and an annuity of forty dollars, during life, payable half-yearly, to commence on the first day of January, one thousand eight hundred and twenty-four. Ditto to Ruth Thompson.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXV.

A SUPPLEMENT

To an act, entitled "An act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all ships and vessels arriving at the port of Philadelphia, with small pox on board, shall be subject to the same rules, restrictions and regulations as are provided and directed in the act to which this is a supplement, in relation to ships or vessels arriving with other malignant or contagious diseases.

Regulations relative to ships arriving with small pox on board.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no practising physician or other person or persons, shall be allowed to communicate the infection of small pox by inoculation or otherwise, within the jurisdiction of the board of health, unless by special permission of said board; and any practising physician, or other person or persons, so transgressing, shall be liable to a penalty, not exceeding one hundred dollars nor less than seventy, for each person so inoculated or infected as aforesaid, to be recovered and appropriated as directed by the act to which this is a supplement.

Penalty for communicating the infection of small pox by inoculation, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the board of health shall be invested with the same authority to make such general rules, orders or regulations, for the preservation of the district, from the contagion of small pox, as they already possess in relation to other contagious diseases, dangerous to the health of the community.

Powers of the board of health extended.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXVI.

A FURTHER SUPPLEMENT

To an act, entitled "An act to improve the breed of sheep, in certain counties in this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the act entitled "An act to improve the breed of sheep, in certain counties of this Commonwealth," passed the twenty-ninth day of March, one thousand eight hundred and thirteen, be and the same is hereby extended to the county of Susquehanna.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXVII.

AN ACT

To authorise the Governor to take certain measures respecting the
Pittsburg and New Alexandria turnpike.

WHEREAS it appears by affidavits, transmitted by the late Governor to the Legislature, that the treasurer of the Pittsburg and New Alexandria turnpike road company, has drawn more money from the State Treasury than the company was legally entitled to, for making said road:

THEREFORE,

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorised to appoint

three commissioners, one of whom to be a practical surveyor, to measure the Pittsburg and New Alexandria turnpike road, who shall each be allowed two dollars per day for their services, and shall, if they think proper, employ the necessary chain carriers to assist in such measurement, who shall be entitled to one dollar each per day; and the commissioners so appointed shall, under oath or affirmation, report to the Governor, as soon as conveniently may be, the exact length of the said road made by the Pittsburg and New Alexandria turnpike road company, commencing at the west end of the bridge at New Alexandria, and ending at the junction of the said road with the Greensburg and Pittsburg turnpike road; and if it shall appear by said report, that more money has been drawn from the State Treasury for making said road, than the company was lawfully authorised to receive, it shall be the duty of the Governor, to direct a suit or suits, to be commenced, in the name of the Commonwealth of Pennsylvania, to recover back the amount of money so illegally drawn from the State Treasury. And if, in commencing any such suit or suits, other persons shall be joined therein, who upon the trial shall be found not liable for the said overdrawn money, or any part thereof, the said suit or suits shall not, on that account, abate, but judgment shall be rendered against such of the defendants as are found liable, in the same manner as if the others had not been joined.

Governor to appoint commissioners to survey the road.

Their duty.

In what case suits are to be commenced.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Governor be and he is hereby authorised to direct the Attorney General to institute a prosecution against all and every person and persons, who, upon investigation, shall appear to have been illegally and fraudulently concerned in drawing the aforesaid money out of the State Treasury.

Duty of Attorney General.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the compensation allowed to the commissioners and chain carriers, by virtue of this act, shall be paid on warrants drawn in the usual manner.

Compensation to commissioners how paid.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXVIII.

AN ACT

Authorising James M. Porter, administrator of the estate of John E. Parker, deceased; and James Gibson, administrator of Peter M'Call, deceased, to sell and convey real estate.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That James M. Porter, of the county of Northampton, administrator of all and singular the goods and chattels, rights and credits, which were of John E. Parker, late of Plymouth, in the state of North Carolina, deceased, be and he is hereby authorised to sell and convey, to the highest bidder, either by public or private sale, the estate whereof the said John E. Parker died seized, within this Commonwealth: *Provided,* That the said James M. Porter shall give sufficient security, in the orphans' court of Northampton county, to the satisfaction of the judges thereof, conditioned for the faithful execution of the powers hereby given, and the application of the proceeds of the sales hereby authorised, to the payment of the debts of the intestate, and that the balance, if any, be distributed among the heirs and legal representatives of the intestate, agreeably to law: *Provided also,* That nothing herein contained shall be construed to affect the right of any individual or individuals.

SECT. 2. *And be it further enacted by the authority aforesaid,* That James Gibson, administrator of Peter M'Call, deceased, during the minority of John Gibson M'Call and Peter M'Call, children of the said Peter M'Call, shall be and he is hereby authorised to sell and convey, in fee simple, for such price, on such terms and in such manner, as he shall think most advantageous, all the real estate to which the said Peter M'Call, deceased, became entitled, by the death of his father, Archibald M'Call, and whereof the said minors are now seized, in fee simple, situate in the counties of Clearfield, Centre, Union and Pike, in this Commonwealth; and the contract, sales, conveyances and receipts, for purchase money to be made and given by the said James Gibson, touching the premises, shall be valid and effectual against all persons claiming or to claim under the said Peter M'Call: *Provided,* That the said James Gibson, his heirs, executors or administrators, shall pay to the said John Gibson M'Call and Peter M'Call, or in case of their or either of their deaths, before they arrive at the age of twenty-one years, to such person or persons as would have been entitled to the said estate, if it had remained unsold, the full amount of the sums for which the said James Gibson shall sell the same: *Provided also,* That the said James Gibson, before he proceeds to perform

Administrator of the estate of J. E. Parker, deceased, authorised to sell real estate.

Proviso.

2d Proviso

Administrator of Peter M'Call, dec'd. authorised to sell real estate.

Proviso.

2d Proviso.

the duties imposed by this act, shall enter into bond, in the orphans' court for the city and county of Philadelphia, with sufficient sureties, to the satisfaction of the said court, conditioned for the faithful performance of the duties mentioned in this act.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXIX.

AN ACT

For the relief of Captain Henry Reges.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Auditor General be and he is hereby authorised and required to settle and adjust the accounts of captain Henry Reges, on the same principles on which similar cases were heretofore settled, for subsistence furnished his volunteer rifle company, while on their march, in the year eighteen hundred and twelve, from Chambersburg, in Franklin county, to their place of rendezvous, at Meadville, in Crawford county.

JOSEPH LAWRENCE, Speaker

of the House of Representatives,

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXX.

AN ACT

For the relief of the widow and children of Titon Grelaud deceased, late an auctioneer of the city of Philadelphia, and of John Filson, brigade inspector, of Chester county:

Preamble. WHEREAS Titon Grelaud, late an auctioneer of the city of Philadelphia, paid into the State Treasury, one thousand dollars for a commission of auctioneer of said city, for one year, commencing on the first day of June, Anno Domini, one thousand eight hundred and twenty-three, and the said Titon Grelaud died on the tenth day of February, one thousand eight hundred and twenty-four, three months and nineteen days previous to the expiration of the year, for which the said commission of auctioneer was paid for, as aforesaid: AND WHEREAS the said Titon Grelaud has left a widow and orphan children, neither of whom is in a situation to carry on the business of auctioneer, for the unexpired portion of said year:

THEREFORE,

SECT. 1. *BE it enacted, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and directed, to pay to the administratrix of Titon Grelaud, deceased, two hundred and ninety-six dollars and twenty-three cents, being part of the sum of one thousand dollars paid by the said Titon Grelaud, into the State Treasury, for commission of auctioneer of the city of Philadelphia, for one year, commencing on the first day of June, Anno Domini, one thousand eight hundred and twenty-three, which said sum is in proportion to the unexpired portion of the year for which the said sum of one thousand dollars was paid by the said Titon Grelaud, for commission of auctioneer, as aforesaid: *Provided,* That before payment of the sum aforesaid, the administratrix of the said Titon Grelaud, deceased, shall account, to the Auditor General, in the usual manner, for all duties due to the state on sales at auction, received by the said Titon Grelaud, up to the time of his decease.

\$296 23 cts.
to be paid
to the ad-
ministratrix
of Titon
Grelaud, de-
ceased.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised to pay John Filson, brigade inspector of the second brigade, third division, Pennsylvania militia, or order, fifty-one dollars and ninety-seven cents, being the costs and expenses incurred by him on two suits brought before justice Wollaston, of Chester county, against him and Richard B. Woodward, for an attempt

\$51 97 cts.
to be paid to
John Filson.

to enforce the collection of militia fines, under the laws of this Commonwealth.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Jamr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXXI.

A SUPPLEMENT

To an act, entitled "An act establishing an Academy in the borough of Huntingdon, in the county of Huntingdon, and one in the town of Montrose, in the county of Susquehanna.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That until the first Monday in April, in the year one thousand eight hundred and twenty-six, and until trustees are elected agreeably to the act to which this is a supplement, the trustees of the Huntingdon Academy shall consist of the following persons: William Steel, Patrick Gwin, William R. Smith, Samuel Steel, William Orbison, Robert Allison, William Ker, John McConnell, David Newingham, William Simpson, Martin Grafius, Henry Shippen, John A. Henderson and Benjamin R. Stevens, which said trustees, and their successors to be elected according to the provisions of the act to which this is a supplement, shall be and hereby are declared to be one body corporate and politic, by the name, style and title of the "Trustees of the Huntingdon Academy."

Trustees appointed for the Huntingdon Academy.

To be a body corporate: Style.

SECT. 2. *And be it further enacted by the authority aforesaid,* That so much of the second section of the act to which this

Repeat

is a supplement as is hereby supplied, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter LXXXII.

AN ACT

For the relief of Samuel Carey, Thomas Allison and Edward M'Masters, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Samuel Carey, of Luzerne county; to Thomas Allison, of Indiana county; and to Edward M'Masters, of Lycoming county, or to their respective orders, forty dollars each, immediately, and an annuity of forty dollars to each, payable half-yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXXIII.

A SUPPLEMENT

To the act, entitled "An act to direct the manner, time and place holding elections for electors of President and Vice President of the United States."

WHEREAS the regular meeting of the Legislature, in December next, will not take place agreeably to the constitution of this Commonwealth, until after the time fixed by the act of Congress of the first of March, one thousand seven hundred and ninety-two, for the meeting of the electoral college of electors of President and Vice President of the United States, and vacancies may happen in the electoral college: Preamble.

FOR REMEDY WHEREOF,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the electors of President and Vice President of the United States, assembled at the borough of Harrisburg, in December next, shall meet in the Senate chamber of the State Capitol, between the hours of nine and ten of the clock, in the forenoon, on the first day of December next, to ascertain the number who shall be present; and shall then and there proceed and organise themselves into an electoral college, by choosing one of their number president and appointing a secretary; and after calling over their names, if it shall appear that any one or more of the electors be absent from the seat of government, the electoral college so assembled, shall proceed forthwith, viva voce, to fill up such vacancies as may have occurred by the non-attendance of one or more of the electors, a majority of the college then assembled being necessary for such choice; and immediately after such choice shall have been made, as aforesaid, a certificate, signed by the president of the college, and attested by their secretary, shall be transmitted to the Governor, whose duty it shall be, forthwith, to cause a notification to be delivered in writing, to each and every of the electors last chosen, as aforesaid; and the said person or persons so notified, and not the person or persons in whose place he or they shall be chosen as aforesaid, shall be electors, and shall meet together with the other electors, and perform the duties enjoined on them by the constitution and laws of the United States; and the electoral college so filled, shall proceed in every other respect, to perform their duties agreeably to the act to which this is a supplement. Mode of filling vacancies in the college of electors.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives,

WILLIAM MARKS, Junr,
Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. AND W. SHULZE.

Chapter LXXXIV.

AN ACT

Authorising the laying out a state road, commencing at Bell's Cross Roads, about two miles west of Jefferson, in Greene county, to West Alexander, in Washington county.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

Commissioners appointed to view &c.

That Jonathan Knight, James M'Quown, of Washington county, and Thomas Colver, of Greene county, or a majority of them, be and they are hereby appointed commissioners to view, lay out and mark a state road, commencing at Bell's cross-roads, about two miles west of Jefferson, in Greene county, by John Lindly's mills, the best and nearest route to the United States' turnpike road, at or near West Alexander, in Washington county: *Provided*, That said road, when made shall not exceed an elevation of five degrees from a horizontal line,

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation, before some justice of the peace faithfully and impartially to perform the duties enjoined on them by this act, and shall receive one dollar and fifty cents for each day they shall necessarily be employed in said work, together with a reasonable allowance for chain carriers and axe-men; and the accounts of said commissioners shall be adjusted and settled by the respective commissioners of the counties through which the said road shall pass; and the expenses shall be paid by the respective counties, in proportion to the distance it shall pass through the same, on warrants drawn by the commissioners of the respective counties, and paid by the treasurer thereof.

Commissioners to be under oath.

Their compensation:

Accounts how settled and paid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners, after performing the duties required of them by this act, to make out a draft of said road, to be deposited in the office of the Secretary of the Commonwealth; and they shall also deposit a copy of said draft in the office of the clerk of the court of quarter sessions of the respective counties through which the said road may pass, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects, as other roads are opened and repaired, which are laid out by order of the court of quarter sessions of the counties aforesaid; and the commissioners shall perform the duties required of them by this act, on or before the first day of November next.

Drafts to be made and deposited.

SECT. 4. *And be it further enacted by the authority aforesaid,* Vacancies to be supplied by the Governor.
That in case of the death or refusal to act of either of the commissioners named in the first section of this act, the Governor is hereby authorised to appoint a suitable person or persons to fill the vacancy.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXXV.

AN ACT

For the relief of Henry Miller, an officer of the revolutionary war.

SET. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*
That the State Treasurer be and he is hereby authorised and required, to pay to Henry Miller, or his order, of Perry county, two hundred and forty dollars immediately, and an annuity of two hundred and forty dollars, payable quarterly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXXVI.

AN ACT

For the relief of sundry widows of revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Catharine Keasy, of Butler county; Jane Rogers and Jane Bower, of Lancaster county; Jane M'Guire, of Westmoreland county; and to Elizabeth Statzer, of Berks county, or to their respective orders, forty dollars to each immediately, and an annuity of forty dollars to each, payable half-yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand , eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXXVII.

A SUPPLEMENT

To an act, entitled "An act relative to the incorporation of a company for erecting a bridge over the river Delaware, at Columbia Glass Manufactory," passed nineteenth March, eighteen hundred and sixteen.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the president, managers and company, for erecting a

bridge over the river Delaware, at Columbia Glass Manufactory, be allowed five years from the thirtieth day of January, in the year eighteen hundred twenty-three, to complete their bridge according to the intent and meaning, and subject to the penalties and restrictions, in all other respects, of the act to which this is a supplement.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Jun.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter LXXXVIII.

AN ACT

To provide more effectually for the education of the poor gratis, and for laying the foundation of a general system of education throughout this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the citizens of every township, ward and borough, within the respective counties of this Commonwealth, with the exceptions hereinafter mentioned, who are qualified to vote for members of assembly, shall, on the Friday preceding the third Saturday in the month of March next ensuing the passage of this act, at the place where they vote for township, ward or borough officers, elect three reputable citizens, to be called school men, to discharge the duties hereinafter directed, within the township, ward or borough for which they shall have been so elected: one of the said school men shall be elected for the term of one year, another for the term of two years, and another for the term of three years; and every citizen voting at such election, shall at the time of voting, designate the term that he intends each school man, by him voted for, shall serve; and annually thereafter the citizens of each township, ward or borough, qualified as aforesaid, shall, on the day and at the

Three school men to be elected in each township, ward or borough.

Tenure of office.

One school man to be elected annually, to serve for 3 years. place aforesaid, elect one such reputable citizen, in the room of him whose term of office is about to expire, to discharge the duties of a school man under this act, who shall continue in office for three years; and the elections to be held by virtue of this act, shall be conducted in the same manner as the election of constables throughout the Commonwealth, is by law to be conducted, and holden by the same persons, who

Elections how conducted. may by law be authorised to hold the constables' election in each township, ward or borough; and it shall be the duty of the constable of each township, ward or borough, to give at least

Notice of elections to be given. ten days notice of the time and place of holding each and every election, under this act, by written or printed handbills, put up at five or more of the most public places in each township, ward or borough; and the judges of such election shall

Returns how made. make out a separate return of the person or persons elected to the office of school man, which shall be delivered by the constable of the township, ward or borough, to the county commissioners, at or before the next regular county court; and the said constable shall also, within five days after such election, notify, in writing, the person or persons who may have been elected, of his or their election to the office of

Penalty on constable for neglect of duty. school man; and on failure of the constable of any ward, township or borough, to perform any of the duties enjoined upon him by this act, he shall, for each and every such offence, forfeit and pay the sum of ten dollars, to be sued for by the school men of such township, ward or borough, in the name of

How to be applied. the proper county, and recovered as debts of like amount are by law recoverable before a justice of the peace or alderman, and to be applied by them towards paying for the tuition of the

Vacancies in the office of school man how supplied. poor children in such township, ward or borough, in which suit any citizen thereof shall be a competent witness; and if any vacancy shall occur in the office of school man, by the death or removal from the township, ward or borough, of any person or persons, who may have been elected to that office, the next or any subsequent court of quarter sessions, shall appoint a reputable citizen to fill such vacancy until the next election, when it shall be filled by the citizens of such township, ward or borough, under the provisions of this act.

If inhabitants neglect to elect school men court to appoint. *SECT. 2. And be it further enacted by the authority aforesaid,* That if the inhabitants of any township, ward or borough, shall neglect to elect school men, pursuant to the first section of this act, it shall be the duty of the judges of the court of general quarter sessions of the peace, at their first or any subsequent sessions, to appoint school men for such townships, who shall be subject to the same rules, regulations and penalties, and vested with the same power and authority, as if elected by the inhabitants of their proper township.

School men to be under oath. *SECT. 3. And be it further enacted by the authority aforesaid,* That when any school man shall be elected or appointed, agreeably to the provisions of this act, he shall, without delay, take an oath or affirmation before a judge or justice of the

peace of the proper county, well and faithfully to execute the duties of school man for his proper district, with fidelity; and if any school man, so elected or appointed, shall refuse to serve as such, or having taken upon himself the office, shall neglect or refuse to perform the duties in this act enjoined upon him, such person, for every offence hereinbefore mentioned, shall forfeit and pay the sum of twenty dollars, to be recovered in the name of the proper county, as debts of equal amount are by law recoverable, and to be paid to the treasurer of the county, for the aid of the education of the poor: *Provided*, That when any township or borough, which has a school fund, agreeably to the further provisions of this act, the sum before mentioned shall be paid to the proper school men of the township or borough, in aid of said fund: *And provided further*, That no one person shall be compelled to serve as school man, more than one term in any period of nine years.

Penalty for refusing to serve.

How applied:

Proviso.

2d Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the commissioners of the several counties within this Commonwealth, at the time of issuing their precepts to the assessors, annually, to direct and require the assessor of each and every township, ward or borough, to receive from the parents, guardians or next friend, the names of all the children between the ages of six and fourteen years, who reside therein, and whose parents, guardian or next friend are poor and unable to pay for their education; and the said assessors are hereby required, to make out correct lists of the names of such poor children, as they shall have received, noting the age of each, and to deliver the same to one of the school men of their respective township, ward or borough, on or before the first day of April, in each and every year, or as soon thereafter as any school man shall be appointed for such township, under the penalty of ten dollars for every neglect thereof, to be sued for by the said school men, in the name of the proper county, and recovered as debts of like amount are recoverable before an alderman or justice of the peace, and to be applied, by the school men, towards paying for the tuition of the poor children, in which suit any citizen of the borough, township, ward or county, shall be a competent witness; and the school men of each and every township, ward and borough, shall meet at the place where their township, ward or borough elections are usually held, on the third Saturday of April, or on any subsequent day in every year, of which meeting they shall give ten days notice, by advertisement, put up in six or more of the most public places within the said township, ward or borough; and they shall there hear all such persons as shall apply for alterations or additions of names in the aforesaid list of poor children, and make all such alterations or additions as to them shall appear just and reasonable, and agreeable to the true intent and meaning of this act: the said school men may also meet on their own adjourn-

List of poor children between the ages of 6 and 14 years, to be made out annually and delivered to school men.

Penalty for neglect.

How recoverable.

Time and place of meeting of the school men

Their duties.

May adjourn meetings.

ment, at such place and at such times, as they shall think necessary and most convenient for the transaction of the business appertaining to their office.

School men to furnish lists of poor children to the commissioners.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said school men, after having adjusted the list of the names of all such poor children of their township, ward or borough, as shall have come to their knowledge, by information or otherwise, shall transmit a correct copy of such list to the commissioners of the proper county, on or before the first day of June; but the said school men, or a majority of them, may make alterations or additions to the said list, as often as they shall think necessary and proper; they giving the commissioners of the proper county notice of such alterations or additions, at any time within three months from the time of making such alteration or additions.

School men superintend the education of poor children

And furnish books, &c.

Duty of teachers.

Their accounts, how settled and paid.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said school men shall superintend the education of all such poor children, as aforesaid, within the township, ward or borough, for which they shall have been elected, and direct their parents, guardians or next friend, to send them to the most convenient school, and the said school men shall furnish the said children with all necessary books and stationary; they shall visit the said school or schools as often as they shall think necessary, and cause the said children to be properly taught, and treated as all other children are treated at the said school, or cause them to be sent to such other school, as they may think most proper; and every teacher of such poor children, as aforesaid, shall keep a correct account of the number of days such poor child or children shall have been taught by him or her, and once in every three months present the said accounts to the school men of the township, ward or borough in which such child or children reside, any two of whom may settle the said account, and if they believe it to be just and reasonable, and agreeable to the usual rates of tuition of the said school, they shall make out a bill for the same, noting the names of the children and the number of days tuition of each, and endorse on the same, an order on the commissioners of the county, in favor of such teacher, for the amount of such bill. And the said commissioners, are hereby required, when the said bill shall be presented to them, to grant an order on the county treasurer for the amount.

Accounts of school men, how settled and paid.

Privilege of school men.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the accounts of the said school men, for books and stationary furnished the poor children, as aforesaid, and for the expenses necessarily incurred by them in the discharge of their trust, shall be settled by the commissioners and paid by the treasurer of the county, on orders drawn by the said commissioners. And the said school men shall perform their duties without any pecuniary compensation, and during the term of service, shall not be compelled to serve in any other city,

borough, ward or township office, nor in the militia, except in time of war, insurrection or invasion.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the city and county of Philadelphia, and the city of Lancaster, be and they hereby are excepted out of the operation of this act; and whenever the provisions of this act hereafter mentioned and declared, shall be accepted by a majority of the boroughs and townships in the county of Lancaster, it shall not be lawful for the directors of the public school, in the first section of the second school district, to draw any orders upon the treasurer of the county of Lancaster, for any sum or sums of money, for the support of the public school, established in the city of Lancaster, by virtue of an act passed on the first day of April, one thousand eight hundred and twenty-two, entitled "An act to provide for the education of children at the public expense, within the city and incorporated boroughs of the county of Lancaster." But it shall be the duty of the select and common councils of the city of Lancaster, to provide adequate funds for the future support and maintenance of the said public school; and the directors of the said school, for the time being, shall have the same power to draw upon the city treasury, as by virtue of the last recited act, and a supplement thereto, passed on the first day of April, one thousand eight hundred and twenty-three, they now have and possess, to draw upon the county treasury for the support and continuance of such school; and so much of the acts aforesaid, as is hereby altered or supplied, be and the same is hereby repealed.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the first day of May, one thousand eight hundred and twenty-five, the act entitled "An act to provide for the education of the poor gratis," passed the fourth day of April, one thousand eight hundred and nine; and the act entitled "An act for the more convenient education of the poor, gratis, within the counties of Cumberland, Dauphin and Lancaster," passed the twenty-seventh day of March, one thousand eight hundred and twenty-one, shall be, and the same are hereby repealed: *Provided however,* That such repeal shall in no wise affect or impair any rights or interests that may at that time be vested in any person under the said recited acts, but all such rights and interests, and all remedies for the recovery thereof, shall be and remain as heretofore: *And provided further,* That if in any township, ward or borough, the proper assessor shall fail to furnish the school men thereof with a correct list of the names of the poor children resident therein, on or before the first day of May next, pursuant to the provisions of this act, then the school men of such township, ward or borough, shall procure from the commissioners of the county, a copy of the list of names of poor children of such township, ward or borough, last adjusted by the said commissioners, under the provisions of the act entitled "An

City and co. of Philadel-
phia and city
of Lancaster,
excepted.

In what case
the directors
of the 1st
section of 2d
school dis-
trict shall
not draw any
orders on
the treasu-
rer of Lan-
caster co.

Select and
common
councils of
the city to
provide
funds, &c.

Parts of cer-
tain acts re-
pealed.

Acts of the
4th April,
1809, and
27th March,
1821, repeal-
ed.

Proviso.

2d Proviso.

school men of the township in which the school is situated, shall be bound to visit and superintend the school, in the same manner as if the boundaries of the whole school district were in their proper township.

In what case families may be exempted from the payment of school taxes.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if it shall so happen, that in the laying off of school districts, agreeably to the provisions of this act, there should be any family or families too remote from the schools to enjoy for their children or those under their care, the benefit and advantage of such school, the school men may, at their discretion, exempt the family or families so situated, from the payment of taxes for the support of such schools.

Schoolmen to make out duplicate accounts, &c.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the accounts and expenditures of the school men, in each township and borough, shall be settled, audited and adjusted, by the township auditors, in the same manner that other township accounts are settled, audited and adjusted; and, preparatory to the settlement of their accounts, it shall be the duty of the school men, to make out duplicate accounts of the moneys received by them, arising from assessment and collection, or otherwise, and of all moneys paid by them, and for what purpose, stating particularly the children instructed, during the preceding year, and the period of time each child attended; one copy thereof they shall lay before the auditors of their respective townships, with their vouchers for settlement, and the other copy shall be filed among the papers of the school men: as soon as the township auditors shall settle the accounts of the school men, they shall enter the same at length, in a book to be kept for that purpose, particularly stating the amount paid to each teacher; the expenses for books and stationery; the number and sex of the children taught; and the incidental expenses attending each school.

Record of the settlement of accounts to be kept.

Boroughs and townships establishing schools entitled to an equitable proportion of the taxes paid into the county treasury for the preceding year.

SECT. 17. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the county commissioners, in the month of April, in each year, when any borough or township has accepted the general provisions of this act, to make an equitable estimate of the proportion of the moneys raised and expended, off the borough or townships so establishing schools, for the education of the poor in the said county, for the year preceding; and having made such estimate, and entered the same in a book to be by the said commissioners kept for that purpose, they shall draw their order in favor of the school men of the borough or township, so accepting the general provisions of this act, on the county treasurer, for the said equitable proportion, so paid to the county funds.

Commissioners to make reports annually to the Secretary of the Commonwealth.

SECT. 18. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the commissioners of every county, to make a report on or before the first day of December, in each and every year, to the Secretary of the Commonwealth, stating the names of the townships or borough in their respective counties, which shall have elected school men; and estab-

lished schools, agreeably to the provision of this act. And it shall be the duty of the Secretary of the Commonwealth, to make report to the Legislature, in the month of December, in each and every year, of the number of counties, townships or boroughs, which shall have established schools, under the said provisions.

Secretary of the Comm. to make report to the legislature.

SECT. 19. *And be it further enacted by the authority aforesaid,*

That in any borough or township, in which the provisions of this act shall have been adopted, at any election, agreeably to the provisions of the tenth section, the school men, in determining upon the location and establishment of school houses, shall have due regard to school houses already erected, and schools already established; unless, in their opinion, the public interest shall require a change. And whenever a school shall belong or be under the immediate direction and supervision of any religious society, the school men shall not employ a teacher for such school, contrary to the wishes or consent of such religious society; and such school shall be entitled to its proper share of the funds raised by virtue of this act: *Provided*, That the trustees or society having the control of such school as aforesaid, shall, at all times, admit into such school, any children which the school men shall direct to be taught at such school, and that the school men shall visit such schools, in the same manner as other schools.

Of the establishment of school houses.

Of schools under the care of religious societies.

Provided, "

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives,

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZB.

Chapter LXXXIX

AN ACT

To incorporate the first Presbyterian church, at Norristown, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the trustees of the Presbyterian church, at Norristown, in the county of Montgomery, and state of Pennsylvania, shall be and they are hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of "The trustees of the first Presbyterian church at Norristown;" and by the same name, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable, in law and equity, to have take and to hold, to them and their successors, for the use of the congregation of the said church, lands and tenements, goods and chattels, whatsoever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of the said congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever, capable of making the same; and the same to grant, bargain, sell or dispose of, for the use of the said congregation; and to erect or enlarge the building, as may be directed by a majority of the congregation that may be present, at a meeting to be held for that purpose; of which said meeting, at least two weeks notice shall be given, from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct; and generally do all and singular the matters and things which shall be lawful for them to do, for the well being and due management of the affairs thereof: *Provided,* That the clear yearly value or income of said estates, shall not, at any time, exceed two thousand dollars.

Corporation created.

Style.

Powers and privileges.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the trustees of the said congregation, shall be nine in number; and until others shall be appointed, shall consist of the following named persons, viz: John Henderson, John Chain, David Wolmer, Robert Hamill, Samuel Crawford, William M'Gathery, Ulrich Schlater, William Powell and Andrew Crawford; the three first named, to continue in office until the first Saturday in April, one thousand eight hundred and twenty-five; the second three, until the first Saturday in April, one thousand eight hundred and twenty-six; and the three last named, until the first Saturday in April, one thousand eight hundred and twenty-seven; and on the several days aforesaid, and on the same days annually thereafter, the mem-

Trustees appointed.

bers of the said congregation may, at a general meeting thereof, elect, by ballot, three persons to serve as trustees, to continue in office three years. If vacancies by death or otherwise shall happen, in the office of trustees, the remaining trustees may elect others to supply such vacancies, until the next general meeting of the congregation, at which meeting the congregation may elect another trustee or trustees, to fill the vacancy of the person or persons through whom such vacancy happens.

Vacancies
how suppli-
ed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors, being citizens of the Commonwealth of Pennsylvania, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the congregation; and to make, have and use, a common seal, and the same to break, alter and renew, at their pleasure; to change the time of holding their annual meeting for electing trustees, as the same may be found convenient; or if the congregation neglect, on the day of the annual meeting, to hold their election the corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent time on which the election shall be held: *Provided,* That notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election: *And provided also,* That the said by-laws and ordinances shall not be inconsistent with the constitution or laws of this state or of the United States.

Power to en-
act and en-
force by-
laws.

If no election
be held, cor-
poration not
to be dissol-
ved.

Proviso.

2d Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the trustees of the German Mennonist Congregation of Doylestown township, in the county of Bucks, and state of Pennsylvania, shall be and they are hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of the "Trustees of the German Mennonist Congregation of Doylestown township, Bucks county;" and by the same name, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere; and shall be able and capable, in law and equity, to take and to hold, to them and their successors, for the use of the congregation, lands and tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which is now or shall hereafter become the property of the congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons, whomsoever, capable of making the same; to grant, bargain, sell or dispose of, for the use of the congregation; and also to sue for, recover and receive, all such sums of money as were devised to the said congregation, by John Wiernman, late of the township of Doylestown, aforesaid, deceased, by his last will and testament, and which have become due, or may hereafter become due, agreeably to the provisions

German
Mennonist
congrega-
tion in Bucks
co. incorpo-
rated.

Style.

Powers and
privileges.

Proviso. of the said will; and, in general, to do all and singular the matters and things which shall be lawful for them to do, for the well being and good management of the affairs of the said congregation: *Provided*, The clear yearly value or incomes of the said estates, shall not, at any time, exceed the sum of two thousand dollars.

Of trustees. **Of annual elections.** **Qualification of trustees.** **Proviso.** **2d Proviso.**

SECT. 5. *And be it further enacted by the authority aforesaid,* That Abraham Geil, William Godshawk, and Samuel Godshawk, the present trustees of the congregation, shall continue to be trustees thereof, until the first Monday of September next ensuing the date of this act; on which day, and on every succeeding first Monday of September, yearly and every year thereafter, five trustees shall be elected by ballot, by a majority of such members of the congregation as shall be known and acknowledged as such, by having fulfilled the requirements enjoined by the known rules of the society, and who shall be met together at their meeting house in pursuance of notice given in the congregation, when met for worship, by the minister or pastor, or by one of the trustees, at least two weeks before the time of such meeting; and in case an election shall not be held, on the day appointed as aforesaid, the corporation shall not thereby be dissolved, but a majority of the trustees may appoint any subsequent time on which an election may be held: *Provided*, due notice thereof be given in the manner herein before directed; *Provided also*, That if a vacancy shall happen in the board of trustees, by death, resignation or the refusal to serve, of any one or more of said trustees, the remaining trustee or trustees shall have power to call a meeting of the congregation, who shall fill such vacancy by a regular election.

May make by-laws. **Proviso.**

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said trustees may make such by-laws and ordinances as they may think necessary for the government of the secular affairs of the said congregation; and to make, have and to keep one common seal, with such device and inscription as they may think proper, and the same to break, alter or renew at their pleasure: *Provided always*, That the said by-laws, rules and ordinances, shall not be repugnant to the constitution and laws of the United States or of this Commonwealth.

Funds of the corporation, how to be applied.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the rents, issues and profits of the real and personal estate of the said corporation, shall, from time to time, be applied and laid out by the said trustees and their successors, for the repairing, altering or making additions to their house of worship, or other buildings, burial ground and lots of land, which now do or hereafter may belong to the said corporation, and for such other charitable and pious uses as shall be thought proper by a majority of the qualified voters of the congregation, or of so many of them as shall meet, when called together, on due notice, to give their free vote in such case,

SECT. 8. *And be it further enacted by the authority aforesaid,* That James Allison, Thomas Henry, David Marquies, David Eakin and Edward Waggoner, trustees of the Presbyterian congregation at Beavertown, in the county of Beaver, or a majority of them or their successors, be and they are hereby authorised and empowered, to erect a church or house of worship, on the south east public square, in the said town of Beaver, and to enclose a yard adjoining the same, not exceeding one fourth of an acre.

Trustees of the presbyterian congregation at Beavertown, authorised to erect a church, &c.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the Methodist congregation, in the borough of Chambersburg, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Clergymen and Trustees of the Methodist Episcopal Church in the borough of Chambersburg;" and by the same name, shall have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all courts of law and elsewhere; and shall be able and capable, in law and equity, to take and to hold, to them and their successors, for the use of the said church, lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which now is or shall hereafter become the property of the said congregation, or held for their use, by gift, grant, bargain, sale, conveyance, devise or bequest, or otherwise, from any persons whomsoever, capable of making the same; and the same to grant, bargain, sell, mortgage, improve or dispose of, for the use and benefit of the said congregation: *Provided always,* That the yearly value or income of the said estates, shall not, at any one time, exceed two thousand dollars.

Methodist congregation in Chambersburg incorporated.

Style.

Powers and privileges.

Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the said clergyman and trustees, shall have power to make and use one common seal, with such device and inscription as they shall think proper; and the same to alter at pleasure; and to make, enact and enjoin, by-laws and ordinances, for the regulation and transaction of the affairs of the said congregation: *Provided,* That the said by-laws and ordinances, be framed, enacted and promulgated, in conformity with the rules and principles of the general Methodist Episcopal Church of the United States, existing and established at the time of the enactment thereof: *And provided,* That they be not inconsistent with the constitution and laws of the United States and of the Commonwealth of Pennsylvania.

Power to make and use a seal, and enact by-laws.

Proviso.

2d proviso.

SECT. 11. *And be it further enacted by the authority aforesaid,* That the rector, church wardens and vestry men, of St. Andrew's Church, in the city of Philadelphia, shall be allowed to hold, take, enjoy and possess, messuages, houses, lands and tenements, rents, annuities and other hereditaments, and real estate, and moneys lent, the clear yearly value or income of which shall not exceed the sum of two thousand dollars, law-

St. Andrews church in Philadelphia allowed to possess property, &c.

ful money of the United States; which sum shall be taken and esteemed exclusive of the moneys arising from the rents of the pews and the contributors to the church; and also exclusive of the moneys arising from opening the ground for burial: any thing contained in the charter of the said church to the contrary notwithstanding.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XC.

AN ACT

Authorising the laying out a state road, commencing at Bellefonte, in Centre county, and from thence the nearest and best route, through Sugar Valley, to the Susquehanna river, at or near the mouth of White Deer creek, in the county of Union, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Francis M'Ewen, of Centre county; Andrew M'Clenahan, of Union county; and Jacob Antes, of Lycoming county; be and they are hereby appointed commissioners, to view, and if they think a road practicable and necessary, to lay out and mark a state road from Bellefonte, in the county of Centre, the best and nearest route, through Sugar Valley, to the

Commissioners appointed to view, &c.

West branch of the Susquehanna river, at or near the mouth of White Deer creek, in the county of Union.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, before they enter upon the duties required of them by this act, to take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties enjoined on them by this act; and shall receive one dollar and fifty cents for each day they shall necessarily be employed in said work, together with a reasonable allowance for chain carriers and axe-men; and the accounts of said commissioners shall be adjusted and settled by the respective commissioners of the counties through which the said road shall pass; and the expenses shall be paid by the respective counties in proportion to the distance it shall pass through the same; which moneys shall be paid, by warrants drawn by the commissioners of the respective counties, and paid by the treasurers thereof: *Provided,* That in laying out and marking the said road, the said commissioners shall, in no case, in ascending and descending, exceed an elevation of more than five degrees from a horizontal line.

Who are to be under oath.

Their compensation.

Accounts how settled and paid:

Provido.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners, after performing the duties required of them by this act, shall make out a draft of said road, to be deposited in the office of the Secretary of the Commonwealth; and they shall also deposit a draft in the office of the clerk of the courts of quarter sessions, of the respective counties through which the said road may pass, which shall be a record thereof; and from thenceforth, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired, in all respects, as other roads are opened and repaired, which are laid out by order of the court of quarter sessions of the counties aforesaid; and the said commissioners shall perform the duties required of them, on or before the first Monday of October next.

Drafts to be made and deposited

Time of meeting of commission-ers.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case of the death of either of the commissioners named in the first section of this act, or refusal to take upon themselves the duties enjoined on them by this act, then the Governor is hereby authorised to appoint a suitable person to fill the vacancy.

Vacancies how supplied.

SECT. 5. *And be it further enacted by the authority aforesaid,* That so much of the road laid out by the commissioners appointed under the act passed the twenty-third day of March, one thousand eight hundred and nineteen, entitled "An act authorising the Governor to appoint commissioners to lay out a state road from the borough of Marietta, in Lancaster county, to intersect the Middletown and Harrisburg turnpike road, at or near the house of John Niesly, in Dauphin county, as lies

Part of the road laid out from Marietta to Harrisburg vacated.

on the west side of the Swatara creek, in the county of Dauphin, be and the same is hereby vacated; and that so much of said act as is hereby altered or supplied, be and the same is hereby repealed

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XCI.

AN ACT

To prevent the destruction of timber, and supplementary to the act entitled "An act to prevent the damages which may happen by firing woods," passed eighteenth of April, *eighteen** hundred and ninety-four.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That if any person or persons, after the first day of September next, shall cut down or fell, or employ any person or persons to cut down or fell, any timber tree or trees, knowing the same to be growing upon the lands of another person, without the consent of the owner or owners thereof, within this Commonwealth, the person or persons so cutting or causing the same to be cut, or by any other person or persons, every such person so offending shall be deemed guilty of and may be prosecuted for a misdemeanor, and being thereof convicted in the court of quarter sessions of the county where the lands lie, shall be sentenced to pay the costs of prosecution

Persons destroying timber may be prosecuted by indictment, &c.

* Should be "seventeen."

and such fine, as the court in their discretion, may think proper to inflict: *Provided*, That such prosecution shall be commenced within one year after such offence shall be committed.

Provided,

SECT. 2. *And be it further enacted by the authority aforesaid*, That in all cases arising under this act, warrants shall and may be issued, by the justices of the peace respectively, on complaint, on oath made by the party injured, or his agent, to oblige the offender or offenders to find surety for his, her or their appearance at the next court of quarter sessions of the proper county, and to be of good behaviour in the mean time, if necessary, and in default of such surety, to commit him, her or them, to the county jail, to be dealt with according to law.

Duty of justices of the peace by whom warrants issue, &c.

SECT. 3. *And be it further enacted by the authority aforesaid*, That in all cases where any person, after the said first day of September, shall cut down or fell, or employ any person or persons to cut down or fell, any timber tree or trees, growing upon the lands of another, without the consent of the owner thereof, he, she or they, so offending, shall be liable to pay to such owner, double the value of such tree or trees, so cut down or felled; or in case of the conversion thereof to the use of such offender or offenders, treble the value thereof, to be recovered with costs of suit, by action of trespass or trover, as the case may be; and no prosecution by indictment shall be any bar to such action.

Suits may also be brought for damages by the owners of the timber.

SECT. 4. *And be it further enacted by the authority aforesaid*, That whosoever shall wilfully set on fire, or cause to be set on fire, any woods, lands or marshes, whatsoever, within this Commonwealth, every such offender or offenders, being thereof legally convicted, by the oath or affirmation of one or more witnesses, in the county court of quarter sessions of the peace, where such offence has been committed, shall pay a fine not exceeding five hundred dollars, one-fourth to the informer, and the residue to the overseers or directors of the poor of the township or county, as the case may be, where such offence has been committed, for the use of the poor of such township, or county; and shall moreover undergo an imprisonment, at hard labor, in the jail of the proper county, for any term not exceeding one year.

Penalty on setting fire to any woods, lands, &c.

Penalty how applied.

Subject to imprisonment.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the first and fourth sections of the act entitled "An act to prevent the damages which may happen by firing of woods," passed the eighteenth of April, *eighteen*^{hundred} and ninety-four, be and the same are hereby repealed.

Repealing section.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZF.

*Should be "*seventeen*."

Chapter XCII.

AN ACT

To authorise reviews of certain state roads.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Solomon G. Kreps, Samuel Patterson and Samuel Dunn, of Fayette county, or any two of them, be and they are hereby appointed commissioners, to review that part of the state road which passes through the lands of the heirs and devisees of the Reverend Jacob Jennings, late of Fayette county, deceased, and to make such alterations in the location of said road as the public interest will admit of, with the least possible injury to the lands aforesaid.

Commission-
ers appoint-
ed to review
part of a cer-
tain road in
Fayette co.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said commissioners, before they proceed to perform the duties required of them by this act, shall each take an oath or affirmation, before some justice of the peace, in Fayette county, faithfully and impartially to perform the duties required of them by this act.

To be under
oath.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall make out a fair draft of that part of said road hereby authorised to be reviewed, to be deposited in the office of the clerk of quarter sessions of Fayette county, as a record thereof, shewing the alterations so made by them; and the said road so changed in its location, shall be, to all intents and purposes, a public highway, and be opened and kept in repair as any other part of said road is opened and kept in repair, in the county aforesaid; and the commissioners aforesaid, shall receive for their services, one dollar and fifty cents per day, together with the necessary expenses of surveying, in the location thereof, to be paid by warrants drawn by the commissioners of Fayette county, and paid by the treasurer thereof.

Draft to be
made.

Compensa-
tion.

How paid.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of the county of Columbia, upon application by petition to them made, may appoint, if they shall deem the same expedient, six disinterested citizens, one of whom shall be a practical surveyor, to review that part of the state road laid out from Danville to Pennsborough, that lies and is included in the townships of Derry and Limestone, in Columbia county, and lay out the same on other ground, if they, or a majority of them, should think it best for the public good; and at the same time to have power to vacate so much of the said state road now laid out, in the townships of Derry and Limestone, as may be by them supplied by this act: the said viewers to make out a draft of said road, with the courses and distances of said road, which draft shall be deposited in

Part of the
road laid out
from Dan-
ville, to
Pennsboro.
to be re-
viewed.

the office of the clerk of said court; and the road so laid out and approved of by said court, shall be part of the said state road; and the viewers so appointed, shall be entitled to the same compensation as viewers receive when employed in laying out county roads; and said road so laid, shall in no place exceed an angle of five degrees elevation with a horizontal line; the expenses of said view to be paid by the county of Columbia: that each of said viewers, before he enters on the duties of said appointment, shall take and subscribe, before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties required of him by this act.

Compensation.

How paid.

Commissioners to be under oath.

SECT. 5. *And be it further enacted by the authority aforesaid,* That James Ralston, of Northampton county; Peter Cooper, and George Keck, of Lehigh county, be and they are hereby constituted and appointed commissioners, who, if in their opinions the public good shall require it, shall re-locate that part of the state road which was laid out by an act of the thirty-first day of March last, from Wilkesbarre to the borough of Northampton, which is between a point not exceeding two miles above Lehigh, in the county of Northampton, to the borough of Northampton, in the county of Lehigh; and if the said commissioners shall, after reviewing the before-mentioned section of said road, be of opinion that the public good may be promoted by changing the route or track of said road, they shall re-locate the same, or such part thereof as they or a majority of them shall deem proper; and in making such alterations, shall re-locate the road on such ground, that when the road is made, it shall not exceed an elevation or depression of more than five degrees with a horizontal line, and shall deposit an accurate draft of said alteration, in the office of the clerks of the courts of quarter sessions, in the counties of Northampton and Lehigh, which shall be a legal record thereof, and from thenceforth shall be a part of the aforesaid state road, and shall be opened, repaired and kept in order, in the same manner, in all respects, as the other parts of said road are; and so much of the said road as shall be supplied or rendered useless, is hereby vacated.

Commissioners appointed to re-view part of the road laid out from Wilkesbarre to Northampton.

Drafts to be made, &c.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said commissioners, or a majority of them, shall proceed to perform the duties of their appointment, on or before the first Monday of August next; but before they enter upon the duties of their appointments, shall take and subscribe, before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties required by this act; and they shall each receive one dollar and fifty cents for each day they may be necessarily employed in said work, together with a reasonable allowance for chain carriers and markers; and the accounts of said commissioners shall be adjusted by the commissioners of the respective counties through which the said road may pass, and be paid by the commission-

Time of meeting of commissioners.

To be under oath.

Compensation.

Accounts how settled.

ers of said counties, by orders drawn on the county treasury, in proportion to the distances respectively.

SECT. 7. *And be it further enacted by the authority aforesaid,*
Commission- That Joseph Smith, Esquire, James Nelson and James Mont-
ers appoint- gomery, or any two of them, be and they are hereby authorised
ed to re view and required, to meet at the borough of Mercer, on or before
part of a cer- the first Monday of June next, and proceed to review that part
tain road in of the state road laid out from a point at or near the county
Mercer co. line, between Armstrong and Jefferson, where the state road
 from Milesburg to Erie crosses the same, through the borough
 of Mercer, to the Ohio state line, in a direction to Warren,
 which lays east of the borough of Mercer, commencing at the
 borough of Mercer, in Mercer county; thence eastwardly, as
 far as the said viewers may think necessary, but not to go fur-
 ther than John Barnes' improvement, which is about six miles
 from Mercer.

Powers and **SECT. 8.** *And be it further enacted by the authority aforesaid,*
duties of the That the said viewers shall have power to alter the same, where
commission- they may think it necessary, so as to lay the same on such
ers. ground and in such manner as may be most likely to render it
 a permanent and useful public road, not exceeding an eleva-
 tion of five degrees with a horizontal line, as near a straight
 line, between the points, as may be.

To be under **SECT. 9.** *And be it further enacted by the authority aforesaid,*
oath. That the said commissioners shall first take and subscribe an
 oath or affirmation, before some justice of the peace, faithfully
 and impartially to perform the duties herein enjoined on them;
 and shall deposit a draft of the alterations they shall make,
To make a with the clerk of the court of quarter sessions, which shall be a
draft. record thereof; and from thenceforward the road thus located
 shall be a public highway, and shall be opened, repaired and
 kept in order, as is required by the general road law; and each
 of the said commissioners shall receive one dollar and fifty
 cents per day, for the time necessarily employed, and a rea-
 sonable allowance for the chain carriers and markers, to be
 paid by the county of Mercer.
Their com-
pensation.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand
 eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter XCIII.

AN ACT

Granting compensation to the legal heirs and representatives of Ezekiel Shelcut, for a tract of donation land, and to Elizabeth Reed, widow of Archibald Reed, a lieutenant in the revolutionary war.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to the heirs and legal representatives of Ezekiel Shelcut, three hundred dollars, in full for a tract of donation land, to which he was entitled for his services in the revolutionary war. \$300 granted to the heirs of E. Shelcut.

SECT. 2 *And be it further enacted by the authority aforesaid,* That the State Treasurer be and he is hereby authorised and required, to pay to James S. Stevenson, of the city of Pittsburg, in trust for the use and benefit of Elizabeth Reed, of the city of Pittsburg, six hundred dollars, in full compensation for four hundred acres of donation land, to which her late husband, Archibald Reed, was entitled, in consequence of his services as a lieutenant in the revolutionary war. \$600 granted to Elizabeth Reed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XCIV.

AN ACT

To provide for the settlement of the concerns of the Marietta and Susquehanna Trading Company.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the district court of the city and county of Lancaster, shall have all the authority, powers and jurisdiction of a court of equity, so far as relates to the Marietta and Susquehanna Trading Company, its trustees, debtors, creditors and stockholders, or any other person or persons, bodies politic or corporate, interested in the concerns of the said company.

Lancaster district court vested with the powers of a court of equity.

Relief in equity how to be granted.

SECT. 2. *And be it further enacted by the authority aforesaid,* That relief in equity shall be granted, in the case or cases aforesaid, in the following manner: The party or parties complaining may offer his or their bill or petition, to the said court, with his or their oath or affirmation added thereto, that the facts therein stated are true, and if, on the face of the bill or petition, sufficient matter appears to warrant the court to grant relief, a summons shall issue, returnable at such day as the court shall appoint, commanding the party or parties complained against, to appear and make full answer; and if upon the due service of the said summons, the party or parties complained against shall appear at said return day and confess the matter of the bill or petition, or so much thereof as may be material, the court shall make such decree as in equity and law ought to be made. If the party or parties complained against, as aforesaid, shall not, at or before the return day of the said summons, duly served as aforesaid, appear and make full answer as aforesaid, the court shall decree as if the matter of the said bill or petition were confessed. If the matter of the bill or petition be denied in whole or in part, by the answer, the court may, if they deem it necessary for a correct decision of the matters in dispute, and for an equitable and legal decree, direct an issue to try the disputed facts, and a jury shall find and certify the facts in dispute; and upon the finding of the jury and matter confessed, the court shall make such decree as in equity and law ought to be made; and upon the trial, as aforesaid, either party may offer in evidence, any material matter or fact, though not charged in the bill or petition, nor stated in the answer of which the adverse party had notice in writing, one month before the trial.

If payment of money be decreed, &c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if the decree of the court shall be for the payment of money, execution shall issue as on judgments obtained in other

cases, subject to the provisions and regulations of the laws of this Commonwealth; and if the decree shall be that any thing be done or performed by the party or parties complained against, and he or they shall not comply with the decree of the court, within the time limited for that purpose, an attachment may issue and his or their persons be imprisoned until he or they shall conform to the decree of the court as aforesaid; and if he or they cannot be found, a sequestration of his or their goods or estate may issue, until he or they shall conform as aforesaid.

If any thing be decreed to be done, and if not complied with, power and duty of the court.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHUIZE.

Chapter XCV.

A SUPPLEMENT

To the act, entitled "An act supplementary to the several acts of this Commonwealth, concerning partitions, and for other purposes therein mentioned."

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That if any lands, tenements or hereditaments, have been, or hereafter shall be, sold by any sheriff or other proper officer, under and in pursuance of the several acts of this Commonwealth, concerning partitions, and the said sheriff, or other officer, shall have died or been removed, either for misconduct or by the expiration of the term for which he was commissioned, or shall hereafter die or be removed as aforesaid, before the execution or acknowledgment of any deed for the same to the purchaser thereof, then, and in every such case, the plaintiff, purchaser or other parties in interest, may apply to

Manner of completing title where sheriff or other officer making the sale is deceased or removed.

the court wherein judgment was obtained, and set forth the case to the said court, with the reason why the title was not perfected by the former sheriff or other officer who sold the same, and thereupon the said court may, as they shall see cause and as justice and equity shall require, order and direct the sheriff or other officer for the time being, to perfect such title, and to execute a deed for the same, to the purchaser; and upon such order, obtained as aforesaid, and entered on the records of the said court, it shall and may be lawful for any such sheriff or other proper officer, according to the said order and direction, and they are hereby empowered and required, upon the full discharge and payment of the money or price for which the said lands, tenements or hereditaments were sold, with such costs and charges as remain unpaid to the former sheriff or other officer, to make, execute, deliver and acknowledge, any deed or deeds, and perform and do all other matters and things, that by the former sheriff or other officer might, could or ought to have been performed or done, in and about the premises, by virtue of the said several acts concerning partitions, which, when done and performed, shall be, and be held and adjudged, as effectual in law as if the title had been completed by the former sheriff or proper officer.

Of return
days of writs
or orders of
sale, &c.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the several courts in this Commonwealth, having jurisdiction in cases of partition of real estate, to fix a day certain for the return day of writs or orders of sale, in cases where the parties refuse to take the estate at the valuation.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XCVI.

AN ACT

Making appropriations to defray certain expenses of government there-
in mentioned, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That for the payment of the expenses hereinafter mentioned, the following sums are hereby appropriated: for clerk hire in the office of the Secretary of the Commonwealth, for one year, two thousand dollars: for clerk hire in the office of the Auditor General, five hundred dollars, in addition to the permanent appropriation of one thousand dollars; and the further sum of one hundred and fifty dollars, for extra clerk hire for the last year, for John Houser: for clerk hire in the office of the State Treasurer, three hundred and thirty-three dollars and thirty four cents, in addition to the permanent appropriation already authorised by law: for clerk hire in the office of the Secretary of the Land Office, for one year, commencing on the first day of April next, the sum of one thousand seven hundred dollars, in addition to the permanent appropriation already authorised: for clerk hire in the office of the Surveyor General, for one year, commencing on the first day of April next, the sum of five hundred and fifty dollars, in addition to the permanent appropriation already authorised; and the clerk hire aforesaid shall be paid quarterly, in the usual manner: for contingent expenses in the office of the Secretary of the Commonwealth, for one year, two thousand dollars, with authority to apply any surplus of the same which may remain, to cover the deficiencies of last year's appropriation, for that department: for the office of the Secretary of the Land Office, for one year, seven hundred and fifty dollars: for the office of the Surveyor General, for one year, including the expenses of the board of property, four hundred and fifty dollars: for the office of the Auditor General, one hundred and fifty dollars, in addition to the permanent appropriation already authorised. And the sums hereby appropriated, shall be paid by the State Treasurer, out of any moneys in the treasury; previous to which the officers holding the aforesaid offices, shall exhibit their accounts and vouchers for said expenditures, to the accountant department, to be adjusted and settled.

Appropriations for clerk hire in the offices of the Secretary of the Commonwealth, Auditor General,

State Treasurer,

Sec. Land Office, and

Surveyor General,

How paid,

Contingent expenses for said offices.

Accounts to be exhibited and settled.

SECT. 2. *And be it further enacted by the authority aforesaid,* That a sum not exceeding five hundred dollars, be and the same is hereby appropriated, to be expended by the State Treasurer and Secretary of the Commonwealth, in painting and repairing the public offices, and causing such other repairs.

\$500 appropriated for painting and repairing state buildings.

pairs to the state buildings as may be deemed necessary and expedient, to be settled by the Auditor General, in the usual manner.

State ground at Harrisburg placed under the care of State Treasurer and Sec. of Commonwealth.

Penalty for digging sand or gravel.

Estimate of expense, &c. for improving public ground to be made.

Doorkeepers to take charge of State Capitol.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the State ground, in and near the Borough of Harrisburg, is hereby placed under the care and superintendence of the State Treasurer, and the Secretary of the Commonwealth; and if shall be the duty of the said officers, to prohibit, by public notice, all person or persons, from trespassing on the public ground; and if any person or persons, shall trespass by digging clay, sand or gravel, or otherwise, on the public ground aforesaid; it shall be the duty of the said officers, to institute a prosecution before a magistrate of the county of Dauphin, in the name of the Commonwealth; and, on conviction, the said person or persons, shall pay a fine, not less than five dollars; and if the person or persons so convicted, shall neglect or refuse to pay the fine so imposed, it shall be the duty of the said magistrate, to commit the person or persons, so neglecting or refusing, to the common jail of Dauphin county, there to remain without bail or mainprize, for the period of thirty days.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the State Treasurer and Secretary of the Commonwealth shall cause an estimate of the expense and a plan for improving the public ground, in and near the Borough of Harrisburg, to be made and laid before the Legislature in December next.

SECT. 5. *And be it further enacted by the authority aforesaid,* That Robert Dickey, doorkeeper of the Senate, and Thomas Wallace, door-keeper of the House of Representatives, be appointed to take charge of the Capitol during the recess of the Legislature, under the directions of the clerks of the respective houses, for which service they shall receive thirty dollars each.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XCVII.

AN ACT

To authorise the Governor to incorporate a company, for the purpose of erecting a permanent bridge over the river Susquehanna, in the county of Dauphin, where the turnpike road crosses the same, near Clark's Ferry.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Abraham Addams, Anthony Brandt, of the county of Perry; James Milligan, David Reynolds, of the county of Mifflin; Francis Rhoads, John Snyder, of the county of Union; Robert Allison and Patrick Gwin, of the county of Huntingdon; and James Potter and Philip Benner, of the county of Centre, be and they are hereby appointed commissioners, to perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of June next, provide one or more books, for the entering of subscriptions, and shall write therein as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company for erecting a bridge over the Susquehanna, where the turnpike road crosses the same, near Clark's Ferry, in the county of Dauphin, the sum of twenty-five dollars, for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the General Assembly, entitled "An act to authorise the Governor to incorporate a company for the purpose of erecting a permanent bridge over the river Susquehanna, in the county of Dauphin, where the turnpike road crosses the same, near Clark's Ferry." Witness our hands, this day of in the year of our Lord, one thousand eight hundred and " And shall thereupon give notice in one of the newspapers printed in the counties of Dauphin, Perry, Mifflin, Union, Huntingdon and Centre, during one calendar month at least, of the times and places where the said books shall be opened to receive subscriptions, at which times and places some one of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each four successive juridical days, or until four thousand shares shall be subscribed; and if four thousand shares shall not be subscribed, within that period, then the said commissioners, respectively, may adjourn, from time to time, until the said number of shares shall be subscribed, of which adjournments public notice shall be given, by means of the newspapers aforesaid, or in others as occasion may require; and when four thousand shares shall have been subscribed, the books shall be closed.

Commissioners appointed to receive subscriptions.

Form of subscription.

Notice of the times and places of receiving subscriptions to be given.

May adjourn from time to time.

Whole number of shares

When letters patent may issue.	SECT. 2. <i>And be it further enacted by the authority aforesaid,</i> That so soon as two thousand shares shall be subscribed and five dollars per share shall have been actually paid on each share, to the said commissioners, or a majority of them, then a majority of the commissioners may certify the same, together with a list of the subscribers, and the shares by each subscribed, and that the said sum has been actually paid on each share, in writing, to the Governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate, by the name of "The President, Managers and Company for erecting a bridge over the Susquehanna, where the turnpike road crosses the same, near Clark's Ferry," with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, by new subscriptions, if such enlargement be necessary to fulfil the purpose of this act.
Style of the company.	
Powers and privileges.	
Mode of organising the corporation.	SECT. 3. <i>And be it further enacted by the authority aforesaid,</i> That the six persons first named in the letters patent of incorporation, shall, as soon as conveniently may be, after sealing the same, give notice in the newspapers aforesaid, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organise the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot to be delivered either in person or by proxy, duly authorised, one president, nine managers, one treasurer, one clerk, and such other officers as they may think necessary to conduct the business of the company, during one year, and until other officers be chosen; and may make such
Officers to be chosen.	by-laws, rules, orders and regulations (not inconsistent with the laws of this Commonwealth) as may be necessary for the well ordering the affairs of the company; and as soon as the corporation is so organised, the commissioners shall pay over to the treasurer, the sums paid to them at the time of the subscription, and the corporation shall pay to the commissioners all reasonable expenses which may have attended the taking such subscriptions: <i>Provided,</i> That no person shall have more than fifteen votes, whatever number of shares he may be entitled to; and each person shall be entitled to one vote for each share by him or her held under that number.
Of by-laws.	
Proviso.	
Time of holding annual elections.	SECT. 4. <i>And be it further enacted by the authority aforesaid,</i> That a public meeting of the said stockholders shall be held, on the first Monday of December, in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of the company.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president, countersigned by the treasurer, and sealed with the seal of the corporation; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer, in part of the sum due thereon, fifteen dollars on each share; which certificate shall be transferable, either by the owner in person or by his or her attorney, duly authorised, in the presence of the president or of the treasurer for the time being, subject, however, to the payments due or that may grow due thereon; and the person to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Certificates of stock to be issued upon the payment of \$15 on each share.

How transferable.

Rights of assignee.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the president, managers and company, shall have the same powers, authorities and privileges for completing, maintaining and keeping in repair the said bridge, and for fixing the rates of tolls and collecting the same, and be subject to the same duties, qualifications, restrictions, penalties, fines and forfeitures, which are or may be given and granted or imposed upon the president, directors and company, authorised to erect a bridge over the river Susquehanna, at or near the borough of Harrisburg, in the county of Dauphin.

Company to have the same powers as the Harrisburg Bridge company.

SECT. 7. *And be it further enacted by the authority aforesaid,* That if the owner or owners of the island where the turnpike road crosses the Susquehanna river, shall convey to the said president and managers, the right of erecting the abutments of said bridge, on the said island, then, for and in consideration of such conveyance, by such owner or owners, the occupants of said island shall have the privilege of using the said bridge, without being subject to the payment of toll for the use of the same.

Owners of the island to have the privilege of using the bridge without paying toll, on condition, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That William Beard, of Montgomery county; John Berkinbine, of Berks county; Michael Graeff, of Schuylkill county; David Cleaver, William McKelvey, John Barton, William Miers, Esquire, Jacob Rupert, James C. Sproul and John Derr, Esquire, of Columbia county; and Thomas W. Lloyd, of Northumberland county; William Cox Ellis, Esquire, Samuel Shoemaker, of Lycoming county. be and they are hereby appointed commissioners, in addition to the commissioners named in the first section of an act passed the fifteenth day of March, one thousand eight hundred and sixteen, entitled "An act to authorise the Governor to incorporate a company for erecting a bridge over the north-east branch of the river Susquehanna, between the town of Cattawissa and mouth of

Additional commissioners appointed to receive subscriptions for the stock in the company for erecting a bridge over Susquehanna river, at or near Cattawissa.

Fishing creek, to do and perform the several duties mentioned in said act.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XC VIII.

AN ACT

For the relief of sundry soldiers and widows of soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

Gratuity and
annuity
granted G.
Reynolds,
C. Merckle
and J.
Beatty.

That the State Treasurer be and he is hereby required to pay George Reynolds, of Centre county; Christian Merckle, of Columbia county; and John Beatty, of Beaver county, each forty dollars immediately, and each forty dollars during life, payable to them or their order, half yearly, to commence on the first day of January, one thousand eight hundred and twenty-four.

SECT. 2. *And be it further enacted by the authority aforesaid.* That the State Treasurer be and he is hereby required to pay to Barbara Johnston, and Catharine Eurich, of York county; and to Sarah Wharton, of Mifflin county, forty dollars each, immediately, and an annuity of forty dollars each, payable during life, half yearly, to them or their order, and to commence on the first day of January, one thousand eight hundred and twenty-four.

Ditto to B.
Johnston, C.
Eurich and
S Wharton.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter XCIX.

A FURTHER SUPPLEMENT

To the act, entitled "An act directing the mode of selling unseated lands for taxes, and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That the commissioners of the several counties be and they are hereby authorised, to sell, at public sale, all or any part or parts of the unseated lands which have been purchased for the use of the county, or which hereafter may be purchased from the treasurers of said counties, in pursuance of an act passed on the thirteenth day of March, one thousand eight hundred and fifteen, entitled "An act to amend an act directing the mode of selling unseated lands for taxes, and for other purposes," when the lands so purchased have remained unredeemed for five years and upwards, for the best price that can be obtained for the same. And it shall be the duty of said commissioners, before any such sale is made, to give at least thirty days notice of such power to sell, particularly designating the tracts that are to be sold, to be inserted in all the newspapers published in the proper county; or where no newspaper is published in the proper county, then to be published in a newspaper in the county next adjoining, and by six written or printed advertisements, put up in public places in the proper county.

Unseated lands purchased for the use of the county authorised to be sold.

Notice of sale to be given.

SECT. 2. *And be it further enacted by the authority aforesaid,* That after such sale as aforesaid, the said commissioners shall have full power to make and execute a deed or deeds of conveyance to the purchaser or purchasers, in fee simple, and such deeds, after being acknowledged before a justice of the peace of the proper county, are hereby declared to be good and valid, to all intents and purposes, for such title as said commissioners had a right to convey.

After sale deeds to be made and executed.

AND WHEREAS, it has been judicially decided, that under the third section of the act of the third of April, one thousand eight hundred and four, to which this act is a further supplement, that the limitation of five years mentioned in the said section, means that there must be five years actual adverse possession:

FOR REMEDY WHEREOF,

SECT. 3. *And be it further enacted by the authority aforesaid,* That where lands have been sold for taxes, under the provisions of the act of the third of April, one thousand eight hundred and four, any person or persons now having right of entry, because no actual possession has been taken of the land so sold, and the heir or heirs of such person or persons, may

Persons owning land sold for taxes under act of 1804 may commence an action, &c.

within two years from this time, commence his action or suit, as he, she or they, or his, her or their ancestors and predecessors might have done.

Manner of bringing an ejectment for land sold for taxes on which no person resides.

SECT. 4. *And be it further enacted by the authority aforesaid,* That any person wishing to bring an ejectment for land on which no person resides, and which lands have been sold for taxes, may bring his action and serve the writ on the person who purchased the said lands; and if such person cannot be found in the proper county, then the court, after the return day of the writ, may, on motion of the plaintiff or his attorney, grant a rule on the defendant, describing the premises, to appear and plead, which rule shall be published for sixty days successively, before the return day thereof, in a weekly or daily newspaper of the proper county; and if no person appears, then the court, on proof of the publication, shall, on motion, in open court, at the stated term, give judgment by default; but when the purchaser appears, or some person claiming under him, the court shall cause the person or his legal representative so claiming under the purchaser, to be made defendant, and the cause shall be proceeded in and tried on the respective titles of the parties, as fully as if there was an actual occupation of the land.

Time of selling unseated lands for taxes under act of 13th March 1815, altered.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the time of commencing the sales of unseated lands for taxes, according to the directions of the first section of the act, entitled "An act to amend an act directing the mode of selling unseated lands for taxes, and for other purposes," passed the thirteenth day of March, one thousand eight hundred and fifteen, shall be on the second Monday in June, of every year, in which the sales of such lands is by the said act directed to be commenced; and that so much of any law as is hereby altered or supplied, be and the same hereby is repealed.

Place where court house, &c. for Crawford county shall be erected.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the commissioners of Crawford county, are hereby authorised to erect their court house and public offices, for the county of Crawford, on the following in-lots, in the town of Meadville, numbered on plan of said town, numbers one hundred eleven, one hundred twelve, and one hundred thirteen; and that the act, entitled "An act appointing the place whereupon to erect the court house and public offices for the county of Crawford," passed the fifth day of March, one thousand eight hundred and four, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.
WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter C.

A FURTHER SUPPLEMENT

To the several acts of the General Assembly, respecting auctions and auctioneers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* Auctioneers to keep registers and pay per centage on goods sold on commission. That it shall be the duty of each and every auctioneer, in the cities of Philadelphia and Pittsburg, to keep a book or register, in which shall be entered, all goods sold by him; and they shall pay the same per centage, on all goods sold on commission, that they are bound by existing laws to pay on goods sold by auction.

SECT. 2. *And be it further enacted by the authority aforesaid,* Accounts to be rendered quarterly to Aud. Gen. That each and every auctioneer of the cities of Philadelphia and Pittsburg, shall, within twenty days after the first of September, December, March and June, of the year for which he shall have been commissioned, render to the Auditor General, a true and particular account, in writing, of the moneys or sums for which any goods, wares, merchandise or effects, subject to duty, by our auction laws, shall have been sold, either by auction or on commission, from the date of their commission, as an auctioneer, or the time the last account was rendered, by him, in conformity to this act, of the amount of each day's sale, and the days when the same were respectively sold, and shall attest the same, before any alderman of the proper city, by the following oath or affirmation, as the case may be: "I, do swear or affirm, that the account now exhibited by me, and to which I have subscribed my name, contains a just and true account of all the dutiable goods sold by me, at public sale or on commission, within the time mentioned in the said account, and of the days upon which the same were respectively sold; that I have examined the entries of all the sales mentioned in said account, in the book kept by me for that purpose, and fully believe this account to be, in all respects, correct; and further, that I have, during the time therein mentioned, conformed, in all things, to the true intent and meaning of the several auction laws of this Commonwealth, according to the best of my knowledge, information and belief." And all and every the partner and partners of any such auctioneer, shall also make and subscribe an oath, to be endorsed on the said account, that he or they respectively believe the said account to be correct and true, in every particular.

SECT. 3. *And be it further enacted by the authority aforesaid,* Horses, &c. That it shall not be lawful for any person to sell horses, cattle not to be sold and carriages, at public auction, within two miles of the state except by

licensed auctioneers. house, in the city of Philadelphia, except such auctioneer as shall have taken out a license for that special purpose.

Auctioneers to have but one auction store, which is to be designated, &c.

SECT. 4. *And be it further enacted by the authority aforesaid,* That no auctioneer, in either the cities of Philadelphia or Pittsburg, shall, at the same time, have more than one house or store for the purpose of holding an auction; and that every auctioneer in said cities, shall designate, in writing, such house or store, and also his partner or partners, if any, engaged with him in his said business, which said writing shall be deposited, by such auctioneer, with the recorder of deeds of the proper city wherefor he is appointed; and no auctioneer shall expose to sale, by public auction or vendue, within either of the said cities, any goods, wares or merchandise or effects, whatsoever, liable to the duty aforesaid, at any other places than in the said houses and stores respectively to be designated as aforesaid, except goods, wares or merchandise, which shall be sold in the original package in which they were imported, goods of persons deceased or of persons who are bona fide declining business, household furniture, and such bulky articles as have usually been sold at auction, in ware houses, or in the public streets, or wharves at or near the place, than in the respective houses and stores to be designated as is hereby directed; and if any auctioneer in either of the said cities, shall enter upon the execution of his office, or shall permit any person to act in his behalf, without designating his said house or store, or his said partner or partners, if any, in the manner and form herein prescribed, or shall hold any auction at any other place than the place so designated, except for the sale of the articles hereinbefore excepted, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not exceeding three hundred dollars; and it shall be the duty of the court, before whom such conviction is had, to transmit, forthwith, a particular report thereof to the Governor of this Commonwealth, who is hereby authorized, in his discretion, to inhibit the person so convicted from acting as an auctioneer, so long as such inhibition shall continue.

Penalty for not complying with this section.

Persons swearing or affirming falsely under this act guilty of perjury.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person shall swear or affirm falsely, touching any thing hereinbefore required to be verified by oath or affirmation, he shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury, and if an auctioneer, shall forfeit his office and be incapable ever after of holding the office of auctioneer.

Penalties under the act of 2d April, 1822, how recoverable.

SECT. 6. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the several penalties which may hereafter be incurred under the provisions of the act entitled "An act relating to auctions and auctioneers," passed second April, one thousand eight hundred and twenty-two, shall be recoverable, either by action of debt, as is provided in the said act, or by indictment, in the mayor's court, or court of quarter sessions of the proper city or county.

SECT. 7. *And be it further enacted by the authority aforesaid,* That so much of any law as is hereby altered and supplied, *be and the same is hereby repealed: Provided,* That this law shall not go into operation, except the provisions of the sixth section thereof, until the first day of June, eighteen hundred and twenty-four: *And provided further,* That it shall be the duty of the Auditor General, to transmit, forthwith, a copy of this act, to each of the licensed auctioneers within this Commonwealth.

Repeal,

Proviso,

2d proviso.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Jun.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CL.

A FURTHER SUPPLEMENT

To the act, entitled "An act to amend and consolidate, with its supplements, the act, entitled "An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables and for other purposes."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the passing of this act, in all cases where a suit shall be instituted before any justice of the peace of the county of Philadelphia, for the recovery of any debt or damages under the provisions of the act to which this is a supplement, against any person or persons who may reside within the county of Philadelphia, and the defendant or defendants in such suit, has or have withdrawn, or shall withdraw himself, herself or themselves, within the limits of the city

Manner of serving process on persons removing from the co. into the city of Philadelphia, &c.

of Philadelphia, after the suit has been brought and before service of the original process, it shall and may be lawful for the constable or officer in whose hands the process may be, to exhibit his writ of summons or capias, as the case may be, to one of the aldermen of the city of Philadelphia; and it shall be the duty of such alderman, to indorse his name on the said writ, which indorsement shall be sufficient authority for the said constable or officer to execute the said process, within the limits of the city of Philadelphia, as fully and effectually as by the said writ could have been done, if the defendant or defendants had remained in the county of Philadelphia; and in all cases where any suit as aforesaid, shall be instituted before any alderman of the city of Philadelphia, and the defendant or defendants has or have withdrawn, or shall withdraw himself, herself or themselves, within the limits of the said county of Philadelphia, before service of the original process, as aforesaid, it shall and may be lawful for the constable or officer in whose hands the process may be, to exhibit his writ of summons or capias, as the case may be, to any of the justices of the peace of the said county of Philadelphia; and it shall be the duty of such justice, to indorse his name on the said writ, which indorsement shall be sufficient authority, for the constable or officer to execute the said process, in the county of Philadelphia, as by the said writ could have been done if the defendant or defendants had remained in the said city of Philadelphia.

Ditto where they remove from the city into the co. of Philadelphia.

Manner of proceeding to recover a judgment obtained against a constable.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in all cases where judgment shall be rendered by any alderman or justice of the peace, against any constable in this Commonwealth, under the twelfth section of the act to which this is a further supplement, in addition to the remedies provided by the existing laws, it shall be lawful for the plaintiff or plaintiffs, his, her or their legal representatives, to take out a transcript of such judgment, and file the same in the office of the prothonotary of the court of common pleas of the proper county; and it shall be the duty of the prothonotary, at the request of such plaintiff or plaintiffs, to issue a fieri facias, or capias ad satisfaciendum, against such constable, to be proceeded in, as in other cases; or the said plaintiff or plaintiffs may apply to the court of common pleas, who shall have power to issue an attachment against such constable: *Provided,* That such proceedings shall in no case be deemed or construed to exonerate the surety or sureties of such constable.

Proviso.

Constables to give bond with sureties

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the several courts of quarter sessions, or mayors courts in this Commonwealth, to require of all constables hereafter elected or appointed, who by the present laws would be obliged to give security before they enter into the execution of their duty, an obligation, in the name of the Commonwealth, with one or more sureties, to be approved by the court, in a sum not less than five hundred nor exceed-

ing three thousand dollars, at the discretion of the court, conditioned for the just and faithful discharge of his office of constable, according to law; and the said obligation shall be held in trust, for the use and benefit of all persons who may sustain any injury from him in his official capacity, and for the true and faithful execution of all process placed in his hands, to all intents and purposes, as sheriffs' bonds are usually given; and such obligations may be proceeded in as other official bonds are by law directed: *Provided*, That if any person or persons elected or returned as constables, shall neglect to enter such security, it shall be the duty of the said court to appoint a competent person or persons in his or their stead, who shall, before he acts, give surety as aforesaid.

Constables' bonds to be held for the like uses as sheriffs' bonds.

Proviso:

SECT. 4. *And be it further enacted by the authority aforesaid*, That suits against the sureties mentioned in the third section of this act, shall not be sustained, unless the same be instituted within three years after the date of such obligation.

Suits against sureties when to be commenced.

SECT. 5. *And be it further enacted by the authority aforesaid*, That so much of any act or acts as are hereby altered or suppld, be and the same are hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CII.

A SUPPLEMENT

To an act, entitled "An act to authorise the Governor of this Commonwealth to incorporate a company for the purpose of making and erecting a bridge over the river Susquehanna, in the county of Lancaster, at or near the town of Columbia.

WHEREAS the president, managers and company for erecting a bridge over the Susquehanna river, in the county

Preamble.

of Lancaster, at or near the town of Columbia, did, on the seventeenth June, one thousand eight hundred and thirteen, pass a resolution for the purpose of encouraging the sale of the stock of the said company: AND WHEREAS, in conformity with the said resolution, the stockholders in the said company did, on the fifth day of July, one thousand eight hundred and thirteen, pass a by-law, authorising the said president and managers to use the surplus funds of the said company, in an office of discount and deposit: AND WHEREAS, the Legislature did pass an act, on the twenty-first day of March, one thousand eight hundred and fourteen, regulating banks, which the company construed as preventing them from employing their said surplus fund, in an office of discount and deposit; to which construction the company submitted, and have, in part, closed the banking concerns of the company: AND WHEREAS, the state is deeply interested in the stock of the said bridge, and the privilege of using the surplus capital will give security to the stock held by the state;

THEREFORE,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the first Monday in July next, the name and style and title of the president, managers and company, for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia, shall be changed to that of "The Columbia Bridge Company."

Style of the
company
changed

Power to use
\$150,000
in banking
purposes.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said Columbia Bridge Company, in addition to the powers which they possess under their act of incorporation, shall have full power and authority, from the first Monday of July next, until the first Wednesday of May, in the year eighteen hundred and thirty-four, to use one hundred and fifty thousand dollars of their surplus capital and fund, for banking purposes, and to establish a bank for the purpose of transacting business, any thing in any former act to the contrary notwithstanding.

Fundamen-
tal articles.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, to wit:

ARTICLE I.

Banking
house, where
to be kept.

Of directors.

The banking house of the said company shall be kept in, and the business of the company shall be transacted in the borough of Columbia, in the county of Lancaster: the affairs of the company shall be conducted, after the first Monday of July next, by thirteen directors, nine of whom shall be chosen annually by the stockholders, and one by the Senate and one by the House of Representatives; and the State Treasurer and Au-

ditor General, shall be, by virtue of their offices, directors: no person shall be a director who is not a citizen of the United States, and a stockholder in his own right; and no director of any other company shall be, at the same time, a director of this bank; nor shall the Governor or any executive or judicial officer of this Commonwealth, or member of the state Legislature, be a director.

ARTICLE II.

The election of directors, authorised to be chosen by the stockholders, shall be by ballot, and shall take place on the first Monday of July, in every year, at such place, within the borough of Columbia, as the directors for the time being shall appoint; notice of which shall be given thirty days previous thereto, in the manner hereinafter prescribed; and a fair and correct list of the stockholders shall be fixed up, at least two months before any election of directors, in the common hall of said company; and the directors shall assemble on the first Monday succeeding such election, and choose one of their number to be president of the said company: they shall continue in office one year, and until others be chosen. If it shall happen that an election of directors be not made on the day above prescribed, the corporation shall not, for that cause, be dissolved; but it may be lawful, on any other day, within thirty days thereafter, three weeks notice being given in the manner aforesaid, to hold and make an election in such manner as the by-laws and ordinances of the corporation shall prescribe; and the directors shall, at their first meeting after such election, elect one of their number to be president. And in case of the death, resignation, absence from the United States, or inability to act, of the president or of any director, the board of directors shall choose another to supply his place. No person shall be eligible as a director, for more than three years out of four, and not more than three-fourths of the directors chosen by the stockholders, shall be eligible to be elected for the succeeding year, except the president for the time being, who shall always be eligible.

Of the election of directors.

President to be chosen.

Tenure of office.

If no election be held corporation not to be dissolved, &c.

Vacancies how supplied.

Directors not eligible more than three years out of four.

ARTICLE III.

For the well ordering and conducting of the elections, the directors shall previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same, after having severally taken and subscribed an oath or affirmation before a justice of the peace or alderman, well and truly, and according to law, to conduct said elections. They shall determine whether the persons who shall have the greatest number of votes are duly qualified to be elected directors, and do come truly and plainly within the provisions of these articles; and after the conclusion of the ballot, shall decide and declare who are elected directors for the ensuing year.

Mode of conducting elections.

ARTICLE IV.

Number of votes to be given by each stockholder, regulated.

What to constitute a right to vote.

Proviso.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportion following, that is to say: for each share not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding fifty, one vote; but no share or number of shares above fifty, shall confer any additional right of voting; and no share shall confer a right of suffrage which shall not have been holden three calendar months previous to the day of election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, and for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of same copartnership, corporation or society of which he or she may be a member, and not in trust for or to the use and benefit of any other person. Stockholders resident within the United States, and no other, may vote by proxy, upon such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, in the year one thousand eight hundred and twenty, entitled, "An act to regulate proxies:" *Provided*, That such proxy shall be dated within sixty days of the day of election.

ARTICLE V.

Of by-laws.

To appoint a cashier, &c.

Cashier to give bond.

Not to carry on any other business.

Officers, clerks &c. to give security.

Compensation.

Officers, &c. not to vote as agents.

The board of directors shall have power to make by-laws for the government and regulation of the corporation; which by-laws shall not be inconsistent with the constitution and laws of the United States, or of this state, or with the provisions of this act; to appoint a cashier and all other officers, clerks and other persons necessary for executing the business of the company. And it shall be the duty of said board, to take a bond of the cashier, with two or more sureties, to the satisfaction of the same, for such sum as shall be determined by the board of directors, conditioned for the faithful execution of the duties of his office or appointment; nor shall he be allowed to carry on any other business, either directly or indirectly, than that of the bank, except by permission of the president and board of directors, under the penalty of five thousand dollars, to be recovered by the board of directors, for the use of the company; and the said board shall take such security for the good behaviour of their other officers, clerks or other persons, respectively, as the by-laws shall prescribe; and shall establish the compensation to be paid to the president, cashier and other officers of the company, respectively, which together with all other expenses, shall be defrayed out of the corporate funds. And it shall not be lawful for the president, the cashier, or any teller or clerk, to vote at any election for

directors, as the attorney, proxy or agent of any stockholder.

ARTICLE VI.

The total amount of the debts which the said corporation may at any time owe, whether by bond, bill, note or other contract, excepting the amount of money due to depositors, shall not, at any time, exceed three hundred thousand dollars. In case of excess, the directors under whose administration it shall happen, shall be liable for the same, in their individual capacities; and an action of debt may, in such case, be brought against them, or any of them, or their or any of their heirs, executors or administrators, in any court having competent jurisdiction, by any creditor or creditors of the said corporation; and may be prosecuted to judgment and execution, any condition, covenant or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors who may have been absent when the said excess was contracted or created, shall not be considered as consenting thereto, or liable therefor; and those who may have dissented from the resolution or act, whereby the same was so contracted or created, and who shall enter their dissent upon the minutes of the board, may exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have power to call for that purpose.

Debts not to exceed \$300,000.

In case of excess directors to be liable in their individual capacities.

Absent or dissenting directors not to be liable.

ARTICLE VII.

No director, except the president, shall be entitled to any emolument, unless the same shall have been allowed by the stockholders, at a general meeting.

Of emoluments.

ARTICLE VIII.

The stated meetings of the directors shall be held at such times as the by-laws shall ordain; and special meetings may be held by particular appointments, or upon the call of the president. A majority of the whole number of directors, of whom the president shall be one, shall form a board or quorum for the transaction of any business; but ordinary discounts may be made by the president and four other directors. In case of sickness or necessary absence of the president, his place may be supplied by a president pro tempore, to be appointed by the directors present from amongst their number.

Of stated and special meetings.

Majority of directors to form a quorum.

Of a president pro tempore.

ARTICLE IX.

The board of directors, or twenty stockholders, being together proprietors of one twentieth part of the stock of said

How general meetings may be called.

corporation, may, at any time, call a general meeting of the stockholders, for purposes relative to the institution, giving at least thirty days notice thereof, in the manner hereinafter prescribed, specifying, in such notice, the object or objects of such meeting.

ARTICLE X.

Of annual meetings of stockholders.

A general meeting of the stockholders shall be held on the first Tuesday of November, in every year, at which time the directors shall lay before them, a general and particular statement of the affairs of the company: *Provided*, That this shall not be construed so as to compel the directors to lay before the stockholders, a statement of the private account of any individual or individuals.

Proviso.

ARTICLE XI.

Of the transfer of stock.

The stock of the company shall be assignable and transferable, on the books of the company only, and in the presence of the president or cashier, in such manner as the by-laws shall ordain; but no stockholder, indebted to the company, for a debt actually due and unpaid, shall be authorised to make a transfer or receive a dividend, till such debt is discharged, or security to the satisfaction of the directors given for the same: *Provided always*, That no stock shall be assigned or transferred to any person or persons, directly or indirectly, except to citizens of this state, of the United States, or of one of them, or corporations created by the laws of any of the United States, or to such foreigner or foreigners as have previously declared, as the laws direct, that he or they intend to become a citizen or citizens of the United States.

Indebted stockholder not to transfer.

Proviso.

ARTICLE XII.

Rate of discount.

The rate of discount at which loans may be made, by the said corporation, shall not exceed one half of one per centum for thirty days.

ARTICLE XIII.

When dividends shall be declared.

Dividends of so much of the profits of the company, as shall appear advisable to the directors, shall be declared at least twice a year, on the first Tuesday of May and November, in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom; but such dividends shall, in no case, exceed the amount of the nett profits actually acquired by the company, so that the capital stock of the said company shall never be thereby impaired. If the said directors shall make any dividend which shall impair the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to the said company, for the amount of the stock so divided; and each director present, when such dividend shall be made.

Capital stock not to be impaired.

Directors consenting liable, &c.

shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend: *Provided*, That no dividend shall be made until the whole of the debts of the said Columbia Bridge Company are paid; and in case any of such debts cannot be immediately adjusted, then such a fund shall be set apart as shall be fully sufficient to meet all such debts.

What shall be construed a consent.

Provido.

ARTICLE XIV.

It shall be lawful for the said corporation to hold such lands, tenements and hereditaments only, as shall be requisite for its accommodation, in the convenient transaction of its business; and such as shall be *bona fide* mortgaged or conveyed to it, in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgment obtained for such debts, or purchased at sales on judgments of any person or body politic, where the same may be necessary to secure any debt due to the said corporation. Not more than twelve thousand dollars shall be expended by said corporation, in procuring ground and erecting suitable buildings for a banking house. The said corporation shall not directly, or through the agency of any person or persons whomsoever, either in trust or confidence, deal or trade with any profits, stock, money or effects, in buying or selling any goods, wares or merchandise whatsoever; and all and every person or persons who shall, contrary to the true intent and meaning of this act, be engaged, either as principals or agents, in such buying, selling or trading, shall forfeit and pay treble the value of goods, wares or merchandise so traded for, one half to the use of the person prosecuting for the same, and the other to the state; but nothing herein contained, shall be so construed as to prevent the said corporation from selling any public stock of which it may be possessed. The said corporation shall not be at liberty to purchase any stock whatsoever, except its own stock, or other incorporated bank stock of this state, treasury notes or public stock of the United States, or in any loan proposed by the government of the United States, or stock in any of the incorporated companies of this state, for the improvement of roads and inland navigation: *Provided*, The stock and treasury notes so purchased and loans so made, to the government of the United States, shall, at no time, exceed one fifth part of the amount of stock of such company actually paid in; and the said corporation shall not deal or trade in any thing but bills of exchange, gold or silver bullion, and in the stock and treasury notes aforesaid, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or goods which may be the produce of their lands.

Corporation to hold such lands only, &c.

\$12,000 may be expended for a banking house.

Not to deal in stocks, &c.

Penalty for so doing.

Not to purchase stock, except, &c.

Provido.

ARTICLE XV.

Bills under
seal assigna-
ble.

Of bills and
notes with-
out seal.

Proviso.

The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, so as absolutely to transfer and vest the property and legal title thereof, in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills and notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say: those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only, and all notes or bills at any time discounted by the said corporation, or deposited for collection, and falling due at the said bank, shall be and they are hereby placed on the same footing as foreign bills of exchange; so that the like benefit shall be had in the payment, and the like remedy for the recovery thereof against the drawer and drawers, endorser and endorsers, and their representatives, and with the like effect, except so far as relates to damages; any law, custom or usage to the contrary, in any wise notwithstanding: *Provided*, That no note shall be issued by said corporation, of a lower denomination than five dollars.

ARTICLE XVI.

Books pa-
pers, min-
utes of pro-
ceedings, &c.
subject to
inspection.

The books, papers, correspondence and funds of the company, shall, at all times, be subject to the inspection of the directors, who shall keep fair and regular entries of their proceedings, in a book to be provided for that purpose; and on any question, where two directors shall require it, the yeas and nays of the directors voting, shall be duly inserted on their minutes, and those minutes shall at all times, on demand, be produced to the stockholders, at a general meeting, or to the Legislature, and the minutes, books and papers, shall be subject to the inspection of any committee who shall be authorised, by the Legislature, to require the same.

ARTICLE XVII.

It shall be the duty of the president and directors of the said company to exhibit to either branch of the Legislature, when called upon so to do, a statement of their affairs in the form of a regular account current, or in such form as may hereafter be pointed out by the Legislature or either branch thereof, as they shall stand on any day, to be designated, specifying particularly the amount of their capital stock paid in, notes in circulation, deposits, debts due to other banks, contingent fund, notes and bills discounted, bills of exchange, stocks, real estate, bonds, judgments, mortgages, notes of other banks, debts due by other banks, gold and silver on hand, each to be stated separately, and such other information as may enable the Legislature to form a correct knowledge of their actual condition: *Provided*, That such a statement of their affairs, as they shall stand on the first Tuesday of November, in each year, shall annually, prior to the first Monday of December, be transmitted, under the oath or affirmation of the president or cashier, to the Auditor General, who shall, by the first Monday of January following, lay the same before the Legislature.

Statement of the affairs of the company to be exhibited to the Legislature.

Provided.

ARTICLE XVIII.

The said corporation shall not, at any time, suspend or refuse payment in gold or silver, of any of its notes, bills or obligations; nor of any moneys received upon deposit in the said bank; and the cashier of said institution, shall, when required, give a certificate of the time and amount of every such deposit, to the person who makes the same, or his, her or their legal representatives. And if the said corporation shall, at any time, refuse or neglect to pay, on demand, in gold or silver, any bill, note or obligation, issued by the corporation, according to the contract, promise or undertaking therein expressed, or shall neglect or refuse to pay, on demand, in gold or silver as aforesaid, any moneys received in said bank, on deposit, except in case of special deposit, where the contract is different, to the person or persons entitled to receive the same, then, and in every such case, the holder of such note, bill or obligation, or the person or persons entitled to demand and receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on the said bills, notes, obligations or moneys, until the same shall be fully paid and satisfied, at the rate of six per cent. per annum, from the time of such demand as aforesaid. And it shall be the duty of the president or cashier of the said institution, and he is hereby required to make, at the time of demand being made for the payment of any note, bill or obligation, or money deposited as aforesaid, the payment of which, in gold or silver, shall have been refused, an endorsement on the said note, bill,

Not to suspend specie payments.

Penalty for refusing to pay specie.

Duty of president or cashier when specie is refused to be paid.

Penalty for neglect.

Proviso.

obligation or certificate, setting forth the day and year when the payment thereof was demanded, and subscribe his name thereto. And in case the said president or cashier shall evade, neglect or refuse making such endorsement, at the time and in the manner herein before required, he shall forfeit and pay to the holder of such note, bill, obligation or certificate, the sum of twenty-five dollars, to be recovered in the same manner as debts of like amount are or may be by law recoverable. *Provided*, That no holder of any such note, bill, obligation or certificate, shall be entitled to the said interest, for a longer period than three months, by virtue of any such endorsement, unless upon a subsequent demand, at or after the expiration of the said three months, payment shall be again neglected or refused; in which case, he or she shall be entitled to the said interest, from the date of the first endorsement, until three months after the expiration of the last endorsement; and the holder of any such note, bill, obligation or certificate, is hereby authorised to demand payment of the same, at and after the expiration of every three months from any preceding demand and refusal; and the date of the second and every subsequent demand or neglect or refusal to pay, shall be endorsed, by the president or cashier, on the note, bill obligation or certificate, in manner aforesaid, and under the same penalty for refusal that is prescribed in the preceding part of this article. And in case the holder of any such note, bill, obligation or certificate, or his or her executors, administrators or assigns, shall commence suit against the said company, for the recovery of the amount due from the same, then the said interest of six per cent. shall be recovered on the said amount, until it is paid and satisfied, without any further demand being made of said company: *Provided also*, That nothing in this act shall be construed to prevent the said company from redeeming its own notes with the notes of any other bank, in whose behalf the same shall be presented for payment.

3d Proviso.

ARTICLE XIX.

Proceedings if company refuses to pay specie.

Upon the refusal of the said corporation to pay any of its notes, bills, obligations or deposited moneys, in gold or silver, at or after the expiration of three months, from the time of the first refusal of said corporation to pay as aforesaid, it shall and may be lawful for the holder, or proprietor of the same, to make application, in writing, to any judge of any court in the proper county, to allow him or her to make proof of said refusal, on oath or affirmation, by one or more disinterested witnesses or witnesses, before said judge, whose duty it shall be to give at least ten days notice to the president or cashier of such institution, of the time and place of making such proof, in order that an opportunity may be afforded for rebutting the same by testimony: and if the facts be substantiated, it shall be the duty of the said judge, to reduce the same to writing, and to transmit the same to the Governor. And it

shall be the duty of the Governor, immediately on the receipt of the written proof above specified, to issue his proclamation, declaring the charter of the said corporation to be forfeited; and from and after the tenth day after the date of the said proclamation, the charter of the said corporation shall be absolutely null and void and of no effect whatsoever, except that the said corporation shall be liable, in its corporate capacity, for the fulfilment of all contracts previously made and entered into by it; and the stockholders thereof shall have power to elect directors as usual, and be capable of compelling the fulfilment of any contract entered into with said corporation; previously to the date of the said forfeiture.

In what case the Governor shall issue his proclamation annulling the charter.

ARTICLE XX.

In the case of a suspension of payment in gold or silver by the company, it shall not be lawful thereafter, for the said corporation to issue its own notes, except to such claimants of deposit moneys as may demand them in lieu thereof, or to make or declare any new loan or dividend, until the said corporation shall pay, in gold or silver, the note or notes, bill or bills, obligation or obligations, or deposited moneys, which the said company may have refused to pay as aforesaid. And if any such note be issued, except as is above excepted, or any such loan or dividend be made or declared, the directors consenting to the same, shall be liable, each in his individual capacity, to pay the amount thereof, to any person or persons holding notes of the company, or having a claim for deposit moneys to an equal amount, who shall first sue for the recovery of the same: *Provided*, That nothing herein contained shall be construed to prevent the said corporation from recovering the notes or obligations of those who may be indebted to it, as occasion may require.

If specie payments be suspended, company not to issue its own notes except &c.

Directors consenting to be liable &c.

Proviso.

ARTICLE XXI.

The Legislature may, at any time or times hereafter, appoint a joint committee, whose duty it shall be to inquire and examine into the credit and situation of the said company, to ascertain the debts and credits thereof, and whether it is in a flourishing or declining situation; and for this purpose, the directors for the time being, shall furnish the necessary information to the committee. And such committee shall have power also, if they deem it necessary, to demand the personal inspection of all the specie and books of the company, that may tend to elucidate their inquiry. And the committee, having performed such duty, shall report to their respective houses the result of such examination: *Provided*, That this shall not be construed to imply the right of inspecting the account of any individual or individuals with the said company, other than the officers of the same.

Right of the Legislature to examine into the situation of the company.

Provided.

ARTICLE XXII.

Of the settle-
ment of the
affairs of the
company.

The corporate powers, rights and privileges of the said company, shall, after the expiration of the term for which this charter has been granted, for the liquidation and settlement of all its transactions and accounts, and for no other purposes be and continue in force until the same be fully liquidated and settled.

ARTICLE XXIII.

Copy of this
act, &c. to
be furnished.

The president and directors of the said company, shall furnish to each of the stockholders, on demand, a copy of the act of incorporation and of the by-laws.

ARTICLE XXIV.

Eight per
cent. on the
dividends to
be transmit-
ted annually
to the State
Treasurer.

That immediately after the declaration of the dividend or nett profits, on the first Monday in November, in every year, the president and directors of the said company, shall transmit eight per cent. of the whole amount of the dividend which shall have been declared, upon that part of the capital of the company employed in banking, during the preceding year, to the State Treasurer, for the use of the Commonwealth, accompanied with a certificate from the president or cashier of the bank, under oath or affirmation, made before any alderman or justice of the peace, of the whole amount of the dividend which shall have been declared, during the preceding year, including the said first Monday in November; and if any of the said annual payments, be not made within two months after the said first Monday of November, in every year, accompanied with the said certificate as aforesaid, then and in that case, the said company so neglecting to pay, shall be liable to interest upon the amount so due the Commonwealth, at the rate of twelve per cent. per annum, to be computed from the said first Monday of November, until the same be paid, which said principal sum, with the interest, shall be recoverable in any court having competent jurisdiction; and if no dividend shall have been declared and made, during the preceding year, ending with the said first Monday of November in every year, by said company, the charter of said corporation so neglecting to pay or declare dividends, shall, from thenceforth, be absolutely null and void: *Provided*, That the said company shall reserve the sum of at least one thousand dollars of the annual profits, to form a fund for the repairing or re-building the said bridge, in case of accident.

In case of
neglect, 12
per cent. on
the amount
due, to be
added.

In what case
charter to be
void.

Proviso.

Separate
books to be
kept.

SECT. 4. *And be it further enacted by the authority aforesaid.* That the said president and directors, shall keep separate books, which shall at all times be subject to the inspection of the Legislature, in which they shall regularly enter the proceeds of the bridge, and the products of that part of the sur-

plus capital set apart by this act for banking; and the directors chosen by the Legislature and appointed in pursuance of this act, shall be managers of the said bridge, and shall enjoy and possess the same power and authority as those elected by the stockholders. The capital stock of three hundred and seven thousand three hundred dollars of the said company, shall never be impaired; but the same is hereby pledged to support and maintain the said bridge, and the Commonwealth shall receive, on her stock, her full proportion of the surplus capital and funds of the said company, and the dividends and profits thereof.

Directors on the part of the state, to be managers of the bridge.

Capital stock of \$307,300, not to be impaired.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the notice for the election of directors and for a general meeting of the stockholders of the said company, required by the third section of this act, shall be published in at least two newspapers printed in the county of Lancaster.

Notice for elections and general meetings, how to be given.

SECT. 6. *And be it further enacted by the authority aforesaid,* That whenever the Legislature of this state may require it, the corporation hereby created, shall loan to the Commonwealth any sum not exceeding five per cent. on the amount of its capital stock, actually employed in banking, at an interest not exceeding five per cent. per annum, payable half-yearly, for any time not exceeding the unexpired term of the charter hereby granted; and if the said company shall refuse to comply with this requisition, then the charter hereby granted shall immediately become null and void: *Provided,* That at least sixty days notice shall be given by the Governor to said company, previous to any requisition for such loan or loans.

Loans to be made to the state at five per cent.

Provido.

SECT. 7. *And be it further enacted by the authority aforesaid,* That this act shall not go into operation until the first Monday in July next; nor then, unless the president, managers and company for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia, shall on or before the first day of July next, express, in writing, lodged with the Secretary of the Commonwealth, their acceptance for the stockholders, of this act; then and in that case, all former laws which are hereby altered and supplied, be and the same are hereby repealed, from the said first Monday in July, one thousand eight hundred and twenty-four.

When this act shall go into operation.

Repeal of former laws:

SECT. 8. *And be it further enacted by the authority aforesaid,* That the privilege hereby granted, shall be and continue in force until the first Wednesday of May, one thousand eight hundred and thirty-four, and no longer.

Continuance of this act.

SECT. 9. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting, any bill or note, in imitation of, or purporting to be, a bill or note, issued

Penalty on making, forging or counterfeiting notes, bills, checks, &c.

by the said Columbia Bridge Company, or by order of the president and directors thereof, or any cashier of the said company; or shall falsely alter or cause or procure to be falsely altered, or willingly aid or assist, in falsely altering any bill or note, issued by the said company, or by order of the president and directors thereof; or any order or check on the said company or cashier thereof, or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited bill or note, purporting to be a bill or note issued by the said company, or by order of the president and directors thereof; or any false, forged or counterfeited order or check, upon the said company or any cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered bill or note, issued by the said company, or by order of the president and directors thereof; or any falsely altered order or check, on the said company, or any cashier of the said company, knowing the same to be falsely altered, with intention to defraud the said company, or any other body politic, or person; or shall sell, utter or deliver, or cause to be sold, uttered or delivered, any forged or counterfeit note or bill, in imitation or purporting to be a bill or note issued by the said company, or by order of the president and directors thereof, knowing the same to be false, forged and counterfeited, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, by due course of law, shall be sentenced to be imprisoned at hard labor, for a term not exceeding ten years nor less than one year, and fined not exceeding one thousand dollars; and shall be kept, treated and dealt with, in all respects, as other convicts now are or may hereafter be by law; and the clause limiting the duration of the said Columbia Bridge Company, shall not, in any measure, affect prosecutions, for the offences hereinbefore enumerated; but shall be carried on against offenders, as if this act and the said acts had been perpetual.

SECT. 10. And be it further enacted by the authority aforesaid,

Penalty on engraving, &c. with intent to forge or counterfeit, &c.

That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession, any metallic plate, engraved after the similitude of any plate, from which any notes or bills issued by the said company shall have been printed, with intent to use such plate, or to cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said company; or shall have in his custody or possession, any blank note or notes, bill or bills, engraved and printed, after the similitude of any notes or bills, issued by the said company, with intent to use such blanks, or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said company, or shall have in his custody or possession, any paper adapted to the making of bank

notes or bills, and similar to the paper upon which any notes or bills of the said company shall have been issued, with intent to use such paper or cause or suffer the same to be used, in forging or counterfeiting any of the notes or bills issued by the said company, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned, and kept to hard labor, in the jail of the proper county, for a term not exceeding three years, and fined in a sum not exceeding five hundred dollars.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CIII.

AN ACT

To authorise the settlement of certain accounts between the government of the United States and this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Auditor General and the Adjutant General of this Commonwealth, be and they are hereby authorised to adjust and settle with the government of the United States, or any lawfully authorised department or agent thereof, all accounts between this Commonwealth and the United States, for arms and other military property, or stores which passed between them during the late war, on such principles as shall be deemed equitable and just, and render an account of such settlement to the next Legislature.

Auditor General and Adjutant General to settle accounts with the U. States.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Adjutant General shall be allowed for the performance of the duty required by this act, such compensation as shall be judged reasonable and proper, by the accounting of—

Compensation to Adjutant General.

ficers of the Commonwealth, to be paid out of the State Treasury. "

Repeal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the act passed the twenty-ninth of March, eighteen hundred and twenty-three, entitled "An act to authorise the settlement of certain accounts between the government of the United States and this Commonwealth," be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CIV.

AN ACT

Granting relief to Adam Mensh, late supervisor of Catawissa township, in the county of Columbia.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That in case Adam Mensh, late supervisor of Catawissa township, in the county of Columbia, presents his petition to the court of quarter sessions of said county, setting forth that said petitioner has been aggrieved in the settlement of his accounts by the township settlers, in March or April, one thousand eight hundred and twenty-three, then, and in such case, if it should appear satisfactory to said court, it shall be lawful for said court to appoint three reputable, disinterested and competent persons, to enter into an investigation and revision of the settlement made by the township settlers; and the persons thus appointed shall meet as soon after their appointment as practicable, in the town of Catawissa, due po-

Court to be petitioned.

Three persons to be appointed to revise the settlement made by

tice of which meeting shall be given to the supervisor afore- township
said, and the township settlers, in order that they may attend; settlers.
and the three persons thus appointed, are fully authorised, af-
ter having been duly sworn or affirmed, either to confirm the Power of
settlement made by the township settlers, or to allow to persons ap-
Adam Mensh, in said settlement, such additional sums of pointed,
money, expended by him in the discharge of his duty as su-
pervisor, as in right and justice he may be entitled, which
award shall be signed by them, and deposited in the office
of the clerk of quarter sessions, within five days after their
decision; and on being approved by the court, shall be final
and conclusive.

SECT. 2. *An.* be it further enacted by the authority aforesaid,
That the persons appointed by the court, shall each receive Compensation,
the sum of one dollar for each and every day necessarily em- tion,
ployed by them in the settlement of such accounts, to be paid
by the township of Catawissa.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand
eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter CV.

AN ACT

To confer on George Brinton and others, the rights and privileges of
persons born in lawful wedlock.

SECT. 1. *BE* it enacted by the Senate and House of Repre-
sentatives of the Commonwealth of Pennsylvania in General
Assembly met and it is hereby enacted by the authority of the same,
That George Brinton, of Birmingham township, in the county
of Chester, be and he is hereby invested with the surname of
his reputed father, Caleb Brinton, of the borough of West
Chester, in the county aforesaid; and under the name of
George Brinton to have all the rights,
&c. of a per-
son born in
lawful wed-
lock.

George Brinton, shall have all the rights, privileges and benefits of a person born in lawful wedlock, and shall be able and capable in law, of inheriting and transmitting any estate, real, personal or mixed; and the lawful issue of the said George Brinton, shall be able and capable in law, of inheriting any estate, real, personal or mixed, which may descend on the part of the reputed father of the said George Brinton, as fully and effectually, to all intents and purposes, as if the said George Brinton had been born in lawful wedlock, as aforesaid: *Provided*, That nothing herein contained shall be deemed or construed to effect any rights or interests of other persons, in and to any estate whereof such persons are now seized or possessed.

Margaret Griffith to have the same right.

SECT. 2. *And be it further enacted by the authority aforesaid*, That Margaret, the illegitimate daughter of William Griffith, be and she hereby is invested with the surname of her reputed father, William Griffith, of the county of Philadelphia; and from and after the passage of this act, under the name of Margaret Griffith, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable to take, hold, inherit, pass and transmit, all and any estate, real and personal, to all intents and purposes, as fully, effectually and completely, as if she had been the legitimate child of the said William Griffith: *Provided always*, That nothing herein contained shall affect or destroy any rights or estates whereof any person or persons now are seized or possessed.

George Rahn to have like powers.

SECT. 3. *And be it further enacted by the authority aforesaid*, That George, the illegitimate son of Mary Merkle, late of Berks county, deceased, be and he is hereby invested with the surname of his reputed father, Jacob Rahn, of Berks county; and from and after the passage of this act, under the name of George Rahn, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable to take, hold, inherit, pass and transmit, all and any estate, real or personal, to all intents and purposes, as fully, effectually and completely, as if he had been the legitimate child of the said Mary Merkle.

Right of Comm. to the estate of M. Merkle vested in G. Rahn. Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid*, That all the right, title, interest, claim and demand of this Commonwealth, of, in and to the estate of the said Mary Merkle, who died without heirs, be and the same is hereby vested in the said George Rahn, his heirs and assigns, forever: *Provided*, That nothing in this act contained, shall be construed to prejudice the rights of individuals, or impair any other title to the said estate, than that which the Commonwealth has or may acquire by escheat.

Preamble.

WHEREAS it has been represented to the Legislature, that Mary Brower is the illegitimate daughter of Anne Yoder, of Douglas township, in the county of Berks, which Anne has been a person of insane mind, from her infancy, and there-

fore incapable of distinguishing between right and wrong; and the husband of said Mary Brower has prayed the Legislature to confer on his said wife the right to inherit and transmit property belonging to her said mother.

Therefore,

SECT. 5. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Mary Brower, the wife of Abraham Brower, of Union township, in the county of Berks, shall be able and capable in law, to inherit and transmit any estate, real, personal or mixed, belonging to her mother, Anne Yoder, of Douglas township, in the county of Berks, as fully and completely, to all intents and purposes, as if the said Mary had been born of the said Anne Yoder, in lawful wedlock,

Mary Brower to have the rights of a person born in lawful wedlock.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Jun.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CVI.

A SUPPLEMENT

To the act entitled "An act to enable the owners and occupiers of the Wicacoa Meadows, in the county of Philadelphia, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expenses thereof."

WHEREAS, in the year one thousand seven hundred and sixty-two, the act above named, was procured by the owners of the Wicacoa Meadows, for the purposes set forth in its title, which, on experience, was found defective in the remedy for collecting the necessary assessments to defray the expenses connected with the objects of the company: AND WHEREAS, in the year one thousand seven hundred and sixty-five,

Preamble:

another law was passed, for the purpose of remedying the defect: AND WHEREAS, the substituted remedy has also been found wholly inadequate, and the owners have prayed for relief in this behalf

WHEREFORE,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same*

Assessments,
how regulated and recovered.

If persons
refuse to
make payment
their goods to be
levied upon
and sold.

Proviso.

Moneys now
due, how to
be recovered.

That the managers of the said company, or any three of them, shall regulate the assessments and cause fair lists thereof to be made, and shall issue their warrants, with the lists aforesaid, directed to the treasurer, authorising and requiring him to demand and receive of and from every person in such lists, his or her legal representative, the sum wherewith such person is charged. And if any person shall neglect or refuse to make payment, within thirty days from the time of such demand, it shall be the duty of the said treasurer, to levy or cause to be levied, the said tax, and the costs attending such levy, by distress and sale of the goods and chattels of the said delinquent, in such manner as is prescribed by the act entitled "An act to raise and collect county rates and levies," passed the eleventh day of April, Anno Domini one thousand seven hundred and ninety-nine; and that the goods and chattels of all tenants, occupying any lands or tenements within the bounds of said company, shall be as liable to be distrained for said assessments, as though the said tenants were the real owners thereof: *Provided nevertheless*, That such tenant shall have the benefit of defalcating such tax, with his landlord, at the payment of his rents, unless specially agreed upon otherwise by contract or lease.

SECT. 2 *And be it further enacted by the authority aforesaid*, That all moneys now due and owing, according to the provisions of the existing laws, shall be recovered in the manner hereinbefore prescribed for the recovery of sums hereafter to be assessed, unless the same shall be paid to the treasurer, within sixty days after the passing of this act.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHUIZE.

Chapter CVII.

AN ACT

For the relief of sundry revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required to pay to Christopher Shertzter and to Adam Hart, of the city of Lancaster; to Robert Barr and to Frederick Keefer, of the borough of Harrisburg; to Thomas Wilson Bradley, of Adams county; to Frederick Boyer and to William Cline, of York county; to William Cowen, of Westmoreland county; and to Alexander Scott, of Franklin county; or to their respective orders, forty dollars each immediately, and an annuity to each of forty dollars, payable half yearly, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate,

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW: SHUIZE.

Chapter CVIII.

AN ACT

To repeal an act, entitled "An act to enable and enforce the owners and possessors of a certain tract of marsh meadow, situate partly in the township of Lower Chichester and the township of Chester, in the county of Delaware, adjoining the river Delaware, to keep the banks, dams, sluices and flood-gates in repair, and for other purposes," passed the nineteenth day of March, eighteen hundred and four.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That the act entitled "An act to enable and enforce the owners and possessors of a certain tract of marsh meadow, situate partly in the township of Lower Chichester and the township of Chester, in the county of Delaware, adjoining the river Delaware, to keep the banks, dams, sluices and flood-gates in repair, and for other purposes," passed the nineteenth of March, eighteen hundred and four, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CIX.

AN ACT

To establish a sixteenth judicial district, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That from and after the first Monday of June next, the coun-

ties of Franklin, Bedford and Somerset, shall be and they hereby are erected into a separate judicial district, to be called the "Sixteenth Judicial District;" and a person shall be appointed and commissioned by the Governor, to be president and judge of the courts of common pleas, within the said district, which said president shall receive the like salary, and have and execute all and singular the powers, jurisdiction and authorities, of president and judge of the court of common pleas, court of oyer and terminer and general jail delivery, orphans' court, and justice of the court of quarter sessions of the peace, agreeably to the constitution and laws of this Commonwealth.

Sixteenth judicial district established.

President judge to be appointed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the said first Monday of June next, the courts of common pleas, quarter sessions, &c. in said district shall commence and be held on the following days, in each and every year, to wit: in the county of Franklin, on the second Mondays in January, April, August and November, to continue two weeks if necessary; in the county of Bedford, on the fourth Mondays of January, April, August and November, to continue one week if necessary; and in the county of Somerset, on the Mondays following those in the county of Bedford, to continue one week, if necessary to finish and complete the business.

Time of holding courts in said district regulated.

SECT. 3. *And be it further enacted by the authority aforesaid,* That from and after the first day of June next, the courts of common pleas and quarter sessions, in the ninth judicial district, shall commence and be held, on the following days, in each and every year, to wit: In the county of Perry, on the first Mondays of January, April, August and November, to continue one week, if necessary; in the county of Cumberland, on the second Mondays of January, April, August and November, to continue two weeks, if necessary; and in the county of Adams, on the fourth Mondays of January, April, August and November, to continue two weeks, if necessary.

Time of holding courts in 9th judicial district altered.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE,

Chapter CX.

A SUPPLEMENT

To an act entitled, "An act to improve the navigation of the Susquehanna river."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the commissioners appointed by the act to which this is a supplement, be and they are hereby authorised to apply such part of the moneys appropriated for the improvement of the navigation of the Susquehanna river, as they may deem expedient and proper, to the improvement of the navigation of the said river, from the Maryland line to tide water, in conjunction with the commissioners appointed by the state of Maryland: and the time appointed by the seventh section of the act to which this is a supplement, directing the commissioners to file a statement of their proceedings with the Secretary of the Commonwealth, be and the same is hereby extended to the thirty-first day of December, in each and every year, or within ten days thereafter; and so much of the first and seventh section as is hereby altered and supplied, be and the same is hereby repealed: *Provided*, That the sum to be applied as aforesaid, shall not, in any year, exceed the sum of five thousand dollars.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXI.

AN ACT

For the relief of George Ullom.

SECT. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the commissioners of Greene county, are hereby authorised and required, to pay to George Ullom, a contractor on the state road which passes through said county, in a direction to the flats of Grave creek, any further sum which they may deem just and reasonable, over and above the amount of his contract, to enable him to comply with the same agreeably to the terms thereof, as entered into by him for the making of a part of said road, near Waynesburg, in said county, to be paid out of any balance of the state's appropriation, remaining at the disposal of the commissioners, and which may not be required to pay off existing contracts on the said road, in the said county, under the act of the twenty-sixth of March, eighteen hundred and twenty-one, entitled "An act for the improvement of the state."

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXII.

AN ACT

To annul the marriage of James M'Kibbon, junior, and Polly his wife.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same.* That the marriage contract, entered into by and between James M'Kibbon, junior, and Polly, his wife, late Polly Moore, both of the county of Beaver, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXIII.

AN ACT

declaring part of Will's Creek, in the county of Bedford, a public highway.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same.* That from and after the passage of this act, that part of Will's Creek, in the county of Bedford, between the saw-mill

directed by Henry Lyborger, and the Maryland line, be and the same is hereby declared a public highway.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE:

Chapter CXIV.

AN ACT

For the relief of Jacob Borral and others, revolutionary soldiers.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the State Treasurer be and he is hereby authorised and required, to pay to Jacob Borral and Adam Baird, of Berks county; to John Robenold, of Lehigh county; to John Weygandt, of Northampton county; to John Campbell of Franklin county; to John Underwood, of Cumberland county; to Thomas Campbell, of Westmoreland county; or to their respective orders, forty dollars each immediately, and an annuity of forty dollars to each, payable half yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four.

JOSEPH LAWRENCE, Speaker

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXV.

AN ACT

To provide for the erection of a house for the employment and support of the poor, in the county of Berks, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That a house for the employment and support of the poor, shall be erected in the county of Berks, in the manner and under the conditions hereinafter prescribed and enacted.

Poor house
to be erected.

SECT. 2. *And be it further enacted by the authority aforesaid,* That John Ritter, Jacob Mast, David Bright, Abraham Knabb, John Beidenman, Samuel Addams and John Wanner, of the said county of Berks, be and they are hereby appointed the directors of the poor and of the house of employment, for the county of Berks, to continue in office until their successors shall be duly elected and qualified as is hereinafter provided.

Directors appointed until
&c.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the citizens of the said county of Berks, qualified to vote for members of the house of representatives, shall, at the general election next ensuing the passing of this act, in the manner prescribed by the laws regulating the general elections of this Commonwealth, elect three reputable citizens of the said county, to be directors of the poor and of the house of employment for the county of Berks; and the judges of elections of the said county, shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify, under their hands and seals, the names of the directors so chosen, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said persons, of their being elected, whose duty it shall be to meet at the court house, in the said county, on the first Monday in November next ensuing their election, and divide themselves, by lot, into three classes; the place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; and of the third at the expiration of the third year; so that after the first election, one director shall be annually elected in the mode above prescribed, to serve for the term of three years.

Three citizens to be
elected directors of the
poor.

Of the returns of election.

Notice to be given to the persons elected.

How directors shall be classed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That in case of any vacancy, by death, resignation, removal, neglect, refusal or otherwise, of any of the said directors, the court of quarter sessions of the said county, during their sessions, or the remaining directors, whenever that court is not in session, may fill such vacancy, by appointment of a citizen

Vacancies how supplied.

zen of said county, to serve until the next general election thereafter, when another director shall be elected to serve for such period which the director whose vacancy shall be so supplied, would have served if no such vacancy had happened.

SECT. 5. *And be it further enacted by the authority aforesaid,* That each director hereinbefore named, or who shall be elected or appointed in the manner aforesaid, shall, before he enters on the duties of the said office, take and subscribe an oath or affirmation, which any judge or justice of the peace of the said county is hereby authorised to administer, that he will discharge the office of director of the poor for the said county of Berks, truly, faithfully and impartially, to the best of his knowledge and ability, and file the said oath or affirmation, with the clerk of the court of quarter sessions of the said county of Berks.

Directors to be under oath or affirmation.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the said directors shall forever hereafter, in name and in fact, be one body politic and corporate, in law, to all intents and purposes whatsoever, relating to the poor of the county of Berks, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor and of the house of employment for the county of Berks," and by that name shall be and they are hereby authorised to receive, take and hold, any lands, tenements and hereditaments, not exceeding the yearly value of twenty thousand dollars; and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whomsoever, and to purchase, take and hold, any lands and tenements within the said county, in fee simple or otherwise, and erect suitable buildings thereon, for the reception, use and accommodation of the poor of the same county; to provide all things necessary for the reception, lodging, maintenance and employment of the said poor; to employ a steward or stewards, and require from him or them an oath or affirmation, and such security for the faithful performance of his or their duties as the board of directors shall deem expedient; and the said directors shall have power at pleasure to remove the said steward or stewards, and to employ, and at pleasure remove, a matron or matrons, physician or physicians, surgeon or surgeons, and all other necessary attendants for the said poor respectively; to bind out as apprentices to any art, mystery or occupation, so that such apprenticeship may expire, if males, at or before the age of twenty-one years; if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseers of the poor; but no such apprentices shall be bound to any person or persons whose religious persuasion shall be different from that which the parents of such apprentices may have last professed, or to persons that are not of good repute, if others of good repute and of the same persuasion may or can be found;

Corporation created.

Style.

Powers and privileges.

Stewards to be under oath, and give security.

Power of directors to remove stewards, matrons, &c.

May bind out poor children.

To have a corporate seal.	and the said directors shall be empowered to exercise and enjoy all such powers now vested in the overseers of the poor, as are not herein granted or supplied, and to use one common seal, in business relating to the said corporation; and the same at their pleasure to alter and renew; and to employ, and at pleasure, remove a person for clerk, who shall keep the books and accounts of the board, and record or file whatever proceedings they may direct, and attest all orders and warrants issued by them, and do and perform every other act and thing whatsoever, which may pertain to his office, as clerk; and shall receive for his services, such sum as the board of directors shall agree upon; but before such clerk shall enter upon the duties of his said office, he shall take and subscribe an oath or affirmation, which either of the directors is hereby authorised to administer, that he will discharge the office of clerk of the directors of the poor, and of the house of employment, for the county of Berks, truly, faithfully and impartially for the best of his knowledge and ability, which oath or affirmation shall be filed with the clerk of the court of quarter sessions of the said county of Berks; and in all actions to be commenced by the directors of the poor and the house of employment for the county of Berks, for the recovery of any gift, grant, fine, forfeiture, devise or bequest, which shall be made to the said corporation, or in case of any appeal brought by or against the same corporation, respecting the settlement of a pauper, each and every person, resident in the said county, in the first case, and of the counties affected thereby, in the second case, shall be competent to hear, try and give testimony, touching the matters in controversy.
To employ a clerk.	
His duty.	
Compensation.	
To be under oath.	
Of the competency of witnesses in suits brought by or against the corporation.	
Quorum.	SECT. 7. <i>And be it further enacted by the authority aforesaid,</i> That a majority of the directors shall, in all cases, constitute a quorum or board for the transaction of business, and shall have full power to make and ordain all such ordinances, rules and regulations; as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and all such persons as shall come under their care or cognizance: <i>Provided</i> , the same be not repugnant to this law, or any other of the laws of this state, or of the United States, or the constitutions thereof: <i>And provided also</i> , That the same ordinances, rules and regulations; shall not have any force or effect until they shall have been submitted to the court of quarter sessions, for the time being, of the said county of Berks, and shall have received the approbation of the said court.
By-laws.	
Proviso.	
2d proviso.	
Directors to make an estimate of probable expense, &c.	SECT. 8. <i>And be it further enacted by the authority aforesaid,</i> That the said directors; or a majority of them, as soon as conveniently may be, after their organization as aforesaid, shall make an estimate of the probable expense of purchasing the land, erecting the necessary buildings, and furnishing the same; whereupon the commissioners of the said county shall

and they are hereby authorised and required, to increase the county tax, by one fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three fourths thereof, to be paid in instalments, with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purposes aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, and shall be paid by the county treasurer, on orders drawn by the directors aforesaid, as the same may be found necessary.

Money how to be procured.

Proviso.

SECT. 9. *And be it further enacted by the authority aforesaid*, That as soon as said building shall be erected, and all necessary accommodations provided therein, notice shall be sent, signed by the said directors or a majority of them, to the overseers of the poor of the several townships of the said county of Berks, requiring them, forthwith, to bring the poor of their respective townships to the said house of employment, which order the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or other sufficient cause, any poor person cannot be removed, in which case, the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time, issue an order, in writing, to the overseers, directing them to maintain such poor, until such time as he or she shall be in a situation to be removed; and then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

Notice to be given when the building is ready to receive paupers.

Duty of the overseers of the poor.

SECT. 10. *And be it further enacted by the authority aforesaid*, That all the moneys that shall be remaining in the hands of the overseers of the poor of the several townships of Berks county, after the poor shall have been delivered over to the directors of the poor and house of employment for the county of Berks, shall be paid to the treasurer of the county for the use of the poor.

Moneys remaining in the hands of overseers of the poor, to be paid to the treasurer of the county.

SECT. 11. *And be it further enacted by the authority aforesaid*, That as soon as the poor of the county of Berks shall have been removed to the house of employment of the said county, the office of overseer of the poor within the said county, shall from thenceforth be abolished; and so much of the laws of this Commonwealth, relating to the poor of the county of Berks, as is by this act altered or supplied, be and the same is hereby repealed; and thenceforth the powers conferred and duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships, within this Commonwealth, to recover

Office of overseer of the poor to be abolished.

Certain powers of overseers conferred on directors.

Duties of justices and sheriff.

certain fines, penalties and forfeitures, and for other purposes are hereby conferred and imposed on the directors of the poor and house of employment for the county of Berks; and that the justices of the peace and sheriff, within the said county, are hereby required and enjoined to pay to the treasurer of the county of Berks, to be applied to the support of the poor of the said county, the aforesaid fines, penalties and forfeitures, within the time and in the manner prescribed by the said act, and to give notice of the receipt thereof to the commissioners of the county of Berks, for the time being; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff of the said county, shall be subject to all the fines, penalties and forfeitures to which the justices of the peace and sheriffs in other counties are by the said act subject and liable.

Penalty for neglect of duty.

Probable annual expenses to be furnished to the commissioners.

SECT. 12. *And be it further enacted by the authority aforesaid.* That it shall be the duty of the said directors, or a majority of them, immediately after their first election, and annually forever thereafter, to make an estimate of the sum necessary for the support of the poor of the said county, for the year ensuing the making of such estimate, and shall forward the same to the county commissioners, who shall provide by tax or otherwise, the sum required by such estimate, to be paid by the county treasurer, on orders drawn by the directors aforesaid, as the same may be found necessary.

Accounts to be rendered annually.

SECT. 13. *And be it further enacted by the authority aforesaid.* That the said directors shall yearly and every year, on the first Monday of January, render an account of all the moneys by them received and expended, to the county auditors, to audit and settle the same, subject to the same penalties, rules and regulations as are by law directed, respecting the accounts of the county commissioners; and shall also, on the first Monday in August, yearly and every year, make out a list of the number, ages and sexes of persons maintained and employed in the said house of employment, or supported, or assisted by them elsewhere, and of the children by them bound out to apprenticeships, as aforesaid, with the names of the masters or mistresses, and their trade, occupation or calling, and place of residence, and file the same with the clerk of the court of quarter sessions, to be laid before the court at its next session; and shall, at all times, when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time, be appointed by the court of quarter sessions of the said county, all the poor that may be committed to their charge, all their books and accounts, affairs and economy, together with the rents, interest and moneys payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

Lists of persons maintained, &c. to be submitted to court of quarter sessions.

Books, &c. to be subject to the inspection of visitors appointed by the court.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the said directors shall, from time to time, receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Berks; and any such poor and indigent persons aforesaid, shall be admitted into the house of employment aforesaid, on an order for that purpose, granted by any one of the said directors, or by any justice of the peace of Berks county, or upon a legal order of removal from any other county, within this Commonwealth, for which services no justice of the peace shall be entitled to any fee or reward; and the board of directors shall have full power and authority, from time to time, to make an order for the purpose, and to discharge from the said house of employment of the county of Berks, every pauper whom they shall deem to possess sufficient mental and bodily ability to take care of himself or herself, and to provide for his or her own maintenance and support; but such pauper, so discharged, may, at any time thereafter, be re-admitted in the manner aforesaid; and any pauper whose legal settlement shall not be in the county of Berks, may be admitted into the said house of employment, by the board of directors, whenever they shall deem it expedient, upon such terms and be discharged therefrom in such manner as shall be provided by their ordinances, rules or regulations.

Duties of directors.

Justices not to receive any fees for orders granted.

Powers of directors.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the said directors, or a quorum thereof, shall, and they are hereby required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints and redress or cause to be redressed, all grievances which may happen by the neglect or misconduct of any person or persons in their employment.

Directors to meet at the house of employment every month.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the said directors shall each receive one dollar per day for each and every day necessarily spent by them in attending to the duties of their office, until the buildings shall have been erected; and after that period, each director shall receive twenty dollars per annum, to defray the expenses of their necessary attendance to the duties of their office.

Compensation of directors.

SECT. 17. *And be it further enacted by the authority aforesaid,* That the poor house establishment in the county of Perry, shall hereafter be conducted by the name, style and title of "The Directors of the Poor and House of Employment for the county of Perry;" and the concerns of said establishment shall hereafter be managed and conducted, in all respects, according to the provisions of the act entitled "An act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland," passed the twenty-fourth of March, one thousand eight hundred and

Style of the poor house establishment in Perry county. Concerns thereof, how to be managed.

eight; and all and every of the provisions of said act, are hereby declared to be in full force and operation, in the county of Perry.

Directors &
steward to
be under
oath.

SECT. 18. *And be it further enacted by the authority aforesaid,* That the directors and steward who may be from time to time elected and appointed to manage and superintend the concerns of said poor house, shall, before they enter on the discharge of the duties of their respective offices, take an oath or affirmation, faithfully to discharge the duties thereof.

Directors of
the poor and
justices in
certain coun-
ties, vested
with the
powers
given to
those officers
in Berks co.

SECT. 19. *And be it further enacted by the authority aforesaid,* That from and after the passage of this act, the directors of the poor in the counties of Lancaster, Chester and Montgomery, and the aldermen in the city of Lancaster, and justices of the peace in the counties of Lancaster, Chester and Montgomery, shall have and exercise all the powers and privileges given by the fourteenth section of this act, to the directors of the poor and justices of the peace of the county of Berks; and so much of any law or laws, as allows a fee to any alderman or justice of the peace of the said counties, for signing an order for the admission of paupers into, or their discharge from the poor houses in said counties, be and the same is hereby repealed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Jun.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXVI.

AN ACT

To incorporate the Franklin Institute of Pennsylvania for the promotion of the Mechanic Arts.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the subscribers to the association called the "Franklin

Institute of the state of Pennsylvania, for the promotion of the mechanic arts," and all such persons as may be hereafter admitted members of the same, shall be and they are hereby declared to be a body politic and corporate, by the name and style of "The Franklin Institute of the state of Pennsylvania for the promotion of the mechanic arts," to have perpetual succession, to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, to use a common seal, and break, alter and renew the same, at pleasure, and to take, hold and enjoy lands, tenements and hereditaments: *Provided*, That the clear yearly income of the real estates held by them shall not exceed two thousand dollars.

Corporation created.
Style.
Powers.
Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the objects of the said corporation shall be the promotion and encouragement of manufactures, and the mechanic and useful arts, by the establishment of popular lectures on the sciences, connected with them; by the formation of a cabinet of models and minerals, and a library; by offering premiums on all objects deemed worthy of encouragement; by examining all new inventions submitted to them; and by such other measures as they may judge expedient.

Objects of the corporation.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the members of the said corporation shall consist of manufacturers, mechanics, artisans and persons friendly to the mechanic arts; they shall pay such sum annually, or in gross, as shall be required by the by-laws of the said corporation, for an annual or life subscription: *Provided*, That nothing herein contained, shall be construed to prevent the said corporation from electing honorary or corresponding members, who may be exempted from such payments and other duties of membership, in such manner and to such extent as may be prescribed by the by-laws of the said corporation.

Of members.
Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the officers of the said corporation shall be a president, two vice presidents, a recording secretary, a corresponding secretary, a treasurer, and twenty-four managers, who shall, together, constitute a board of managers of the said corporation; and such other officers as the said corporation shall deem needful. Two thirds of the managers shall be manufacturers or mechanics. The said officers shall be elected at an annual meeting of the said corporation, to be held on the third Thursday of January. If an election shall not take place on that day, the corporation shall not, for that cause, be dissolved, but an election shall be held as soon afterwards as may be; and until such election, the officers in place, shall continue to act. Public notice of all elections shall be given in such manner as may be prescribed by the by-laws of the said corporation. The present officers of the said association are hereby constituted the officers of the corporation hereby created, and shall continue to hold their respective offices, till others are elected

Officers.
Who are to be elected annually.
Notice of elections to be given.
Present officers continued.

Proviso. under the provisions of this act: *Provided always,* That the said corporation shall have power to increase the number of vice presidents and managers herein before mentioned, to such number as may be deemed advisable and convenient, at a stated meeting of the said corporation, the same public notice of such intended alteration being previously given, as may be required to be given of the election of officers of the said corporation.

Of by-laws. *Sec. 5. And be it further enacted by the authority aforesaid,* That the duties and rights of the members of the said corporation; the powers and functions of the officers thereof, hereinbefore mentioned, and of such others as may hereafter be added; the mode of supplying vacancies in office; the times of meeting of the said corporation and of the board of managers; the number which shall constitute a quorum at any such meetings; the mode of electing members; the terms of their admission; the causes which shall justify their suspension or expulsion from the corporation; and all other concerns of the said corporation, shall be regulated by the by-laws and ordinances of the said corporation hereafter to be made, which the said corporation is hereby authorised and empowered to make and alter, in the manner which may be therein mentioned:

Proviso. *Provided,* That the said by-laws or ordinances shall not be repugnant to or inconsistent with the constitution and laws of the United States or of this commonwealth.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE

Chapter CXVII.

AN ACT

To repeal an act incorporating the borough of Waynesburg, in the county of Franklin, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the act entitled "An act to incorporate the town of Waynesburg, in the county of Franklin, into a borough, and for other purposes," passed the twenty-first day of December, one thousand eight hundred and eighteen, be and the same is hereby repealed, from and after the first day of April, one thousand eight hundred and twenty-five.

Act incorporating
Waynesburg
repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for all persons entitled by law to vote for burgess and other borough officers of the borough of Lewisburg, in the county of Union, to elect at the same time and place, and under the same regulations, as the said borough officers are now by law elected, two overseers of the poor of the said borough, who shall perform the same duties as are by law required to be performed by the overseers of the poor, in other boroughs and townships within this Commonwealth; and the accounts of the said overseers of the poor, shall be settled and adjusted, in the same manner as in other boroughs and townships, by three auditors to be elected at the same time and place, in the same manner and under the same regulations as the borough officers of the said borough are now by law elected.

Two overseers of the
poor to be
elected annually for
Lewisburg.

Their duties.

Auditors to
be elected.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXVIII.

AN ACT

Directing certain books of record and indices to be paid for by the commissioners of Lancaster county:

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same.* That all the books of record, which may hereafter be required for the use of the office for recording of deeds, in the county of Lancaster, shall be paid for by orders drawn by the commissioners of the said county, on the treasurer thereof; and the commissioners of the county aforesaid, are hereby authorised to cause to be compiled and paid for, any index or indices which may be necessary and proper for the office for recording of deeds aforesaid, which shall remain and be preserved as a part of the records of said office.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives,

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXIX.

A FURTHER SUPPLEMENT

To the act entitled, "An act to authorise the Governor to incorporate a company for erecting a bridge over the Susquehanna, at the borough of Wilkesbarre, in the county of Luzerne."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That Calvin Wadhams, George M. Hollenback and Garrick Mallery, of Luzerne county, be and they hereby are appointed commissioners, for the purpose herein after mentioned, that is to say: the said commissioners are hereby authorised and empowered to collect, of the purchase money due this Commonwealth, on certificates, liens or mortgages, on lands in the Seventeen Townships, or such of the townships as are in the county of Luzerne, the sum of fifteen thousand dollars, which sum is hereby appropriated to the use of the president, managers and company for erecting a bridge over the river Susquehanna, at the borough of Wilkesbarre, and to be by the said commissioners expended, exclusively and for no other purpose than in rebuilding and repairing the said bridge, if the said company and the creditors thereof shall comply with the terms of this act, and not otherwise.

Commissioners appointed to collect of the purchase money due the Commonwealth, \$15,000, for the purpose of re-building the bridge.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, to proceed and collect from the debtors of the Commonwealth, the said sum of money, and in the name of the Commonwealth; and when a payment on any of the certificates, liens or mortgages before mentioned, is made to them, they shall execute duplicate receipts for the same; one copy thereof shall be delivered to the person or persons making the payment, and the other copy shall be forwarded to the Secretary of the Land Office, who shall enter a credit therefor, on the proper lien or mortgage: *Provided,* That before the said commissioners shall enter on the duties by this act prescribed to be performed by them, they shall give bond to the Commonwealth, in the sum of twenty thousand dollars, to perform all the duties required by this act, with fidelity, and shall moreover take an oath or affirmation, before one of the judges of the court of common pleas of Luzerne county, to execute the trust imposed by this act, with fidelity and according to the provisions of this act, and shall transmit the bond and oath aforesaid, to the Secretary of the Commonwealth.

Duty of the commissioners.

Duty of Sec. Land Office.

Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, to call a meeting of the stockholders and creditors of the said bridge company, and to examine faithfully, the accounts of said in-

Meeting of stockholders to be called.

Proviso.

2d proviso.

Certificates of stock to be issued to the Commonwealth.

Capital stock may be increased by new subscriptions.

Report to be made annually to Legislature.

Proviso.

2d Proviso.

When an election for

corporation, and to settle and adjust the same, and make out duplicates of the said settlement; one copy thereof shall be delivered to the auditor general, and the other copy to the said company, to be entered at large on their books. The said commissioners shall ascertain particularly the amount of bona fide stock, and by whom held, in the said incorporation, and the debts due by the same: *Provided*, That the said commissioners shall not make any payment for the rebuilding or repairing the said bridge, until all the creditors release or accept stock in the said company for their debts, to be issued in the manner hereinafter mentioned; nor shall any payment be made until the accounts of the said company are settled, and the bona fide stock ascertained: *And provided further*, That in liquidating the said debts, the said commissioners shall not take into view or allow for any note or notes issued by the said incorporation in the manner or nature of bank notes.

SECT. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the president and managers of the said bridge company, to issue certificates of stock to the Commonwealth, on the moneys paid by the said commissioners, agreeably to this act, in the same manner as if the same had been originally subscribed to the capital stock of the said company; and it shall be lawful for the said president and managers, after the settlement of their accounts as aforesaid, to increase the capital stock of the said company, by new subscriptions, so far as the same may be found necessary to rebuild and repair the said bridge, and to issue certificates of stock to the creditors of the said bridge company, for the sum actually and bona fide due from the company. And the president and managers shall report to the Legislature annually, in the month of December, the state of the funds of the said company; and the said commissioners shall, every six months, render to the auditor general, a copy of the moneys collected and the proceedings under this act: *Provided*, That if the said company do not, in one year after the passing of this act, proceed to rebuild and repair the said bridge, the said commissioners shall pay over any moneys received by them to the State Treasurer, and their powers under this act shall cease and determine: *Provided also*, That in all cases where stock has heretofore been subscribed by stockholders, new certificates of stock shall be issued by the said president and managers, to each stockholder, for the amount of one half of the stock so originally subscribed; and the commissioners appointed by this act shall, previous to exercising any of their powers under the provisions thereof, file in the office of the Secretary of the Commonwealth, a certificate that the original stockholders have agreed to accept of the conditions of this act.

SECT. 5. *And be it further enacted by the authority aforesaid*, That as soon as the said commissioners shall have settled and adjusted the accounts of the said company, in the manner di-

rected by this act, and the creditors have agreed in writing to release or accept stock in the said incorporation, for their debts, the said commissioners shall advertise an election, to be held for the election of officers, agreeably to the provisions of the act to which this is a further supplement; and no person shall be permitted to vote at the said election, but bona fide stockholders; nor shall any person be permitted to vote who has not paid up the whole amount of his stock.

officers of
the company
shall be held.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHUIZE.

Chapter CXX.

AN ACT

To authorise a loan, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,*

That the Governor be authorised to negotiate a loan, by the issue of negotiable certificates of stock, for any sum or sums not exceeding six hundred thousand dollars, at an interest not exceeding five per cent, per annum, payable half yearly, and the faith of the Commonwealth is hereby pledged for the re-imbursement of the said loan or loans, within fifteen years, and in such instalments as shall be agreed upon by the parties; and the sum procured under the provisions of this act is hereby appropriated and directed to be applied to the re-imbursement of such existing loans of the state as bear an interest of six per cent. and to meet such other demands on the state treasury, under existing laws, as will be payable or fall due, previous to the first day of April, one thousand eight hundred and twenty-five: *Provided, That if any of the banks of this Common-*

Loan of
\$600,000 au-
thorised at
5 per cent.

When re-im-
bursable.

To be appli-
ed to the
payment of
6 per cent.
loans.

Proviso.

wealth who are bound by their charter to loan money to the state, at an interest not exceeding five per cent. per annum, shall take stock under the provisions of this act, such stock so taken, shall be considered in lieu of the money they are respectively bound to loan to the state, to the amount thus loaned; but stock thus taken by banks, shall be redeemable by the state, at any time after four years from and after the passage of this act, at par.

Where interest accruing upon stock is to be paid. **SECT. 2.** *And be it further enacted by the authority aforesaid,* That the interest accruing upon the stock created by said loan, shall be paid either at the state treasury or at the Bank of Pennsylvania, in Philadelphia, according as may be agreed upon between the Governor and the original purchasers of stock.

How certificates of stock shall be constituted. **SECT. 3.** *And be it further enacted by the authority aforesaid,* That the Governor of the Commonwealth be and he is hereby authorised to cause to be constituted, certificates of stock, signed by the Auditor General and countersigned by the State Treasurer, for the sum to be borrowed in virtue of this act, or for any part thereof, bearing an interest not exceeding five per cent. per annum, and re-imbursable as aforesaid, which stock thus created, shall be transferable on the books of the Auditor General, or at the Bank of Pennsylvania, by the owner or owners of the same, his, her or their attorney, and new certificates for the same shall, upon the cancelling of the old certificates, be issued by the Auditor General and State Treasurer, to the new holder or holders; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Governor to cause the said certificates of stock, or any part thereof, to be sold.

Stock how transferable.

Certificates of stock may be sold by the state.

Loans amounting to \$90,000 authorised to be renewed with the Philadelphia Bank. **SECT. 4.** *And be it further enacted by the authority aforesaid,* That the Governor be and he is hereby authorised to renew the loans with the Philadelphia Bank, bearing an interest of five per cent. to the amount of ninety thousand dollars, whenever the same shall become due, for any time not exceeding ten years, at an interest not exceeding five per cent. per annum; and the faith of the Commonwealth is hereby pledged for the redemption of the same, at such time and in such instalments as shall be agreed upon by the parties; and shall draw his warrant on the State Treasurer, for the remaining ten thousand dollars, when the same shall become due.

Right of banks to exchange 6 per cent. loans for stock under this act. **SECT. 5.** *And be it further enacted by the authority aforesaid,* That either of the banks to whom the state is indebted for money bearing an interest of six per cent. shall have the privilege of exchanging the same for stock, under the provisions of this act, bearing an interest of five per cent. payable half yearly, and redeemable at par, at any time after ten years from the time of such exchange; and the power of the Philadelphia Bank to hold such stock, shall be the same under the renewed charter of said bank, as if the existing charter were to continue until the expiration of the renewed charter: Pro-

Proviso.

vided, That such bank, in order to avail itself of the provisions of this section, shall give notice to the Governor of its intention to do so, within thirty days after the passage of this act.

SECT. 6. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Governor, to lay before the Legislature, within the first week of the next session, a detailed report of the proceedings which may be adopted in pursuance of this act.

Report of the proceedings under this act, to be laid before the Legislature.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXXI.

AN ACT

For the relief of Elizabeth Sailheimer, Sarah M'Mullan, Mary Dean and Hannah Elmore, widows of revolutionary soldiers, and William Cort, a revolutionary soldier.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That the State Treasurer be and he is hereby authorised and required, to pay to Elizabeth Sailheimer, of Franklin county; to Sarah M'Mullen and to Mary Dean, of Bucks county; to William Cort, of Columbia county; to Hannah Elmore, of Philadelphia county; or to their respective orders, forty dollars each immediately, and an annuity of forty dollars to each, payable half-yearly, during life, to commence on the first day of January, one thousand eight hundred and twenty-four; and the act entitled "An act for the relief of Peter

Part of the act incorporating the Bridgewater and Wilkesbarre turnpike company repealed.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the proviso in the third section of the act entitled, "An act to enable the Governor to incorporate a company for making an artificial road, from the northern boundary line of this state, at the most suitable place near the twenty-eighth mile stone, to the place where the seat of justice is established for the county of Susquehanna, and thence by the best and nearest route to the borough of Wilkesbarre, in the county of Luzerne," be and the same is hereby repealed.

Part of the road from Kittanning to Pittsburg authorized to be reviewed.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the court of quarter sessions of Armstrong county, be and they are hereby directed to appoint six suitable persons, one of whom shall be a practical surveyor, to review that part of the state road laid out from the borough of Kittanning, in the county of Armstrong, to the city of Pittsburg, which lies between the town of Freeport and the said borough of Kittanning; and lay out the said road, on such ground as will not at any place exceed an elevation of five degrees from a horizontal line.

When viewers shall proceed to perform the duties, &c.

Draft to be made.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the said viewers, or a majority of them, shall proceed to perform the duties enjoined on them by this act, on or before the first Monday of July next; and if the said viewers shall make any alteration of the said road, and the court shall approve of the same, a draft, with the courses and distances of said road, so altered, shall be filed in the office of the clerk of said court, which draft shall be a record thereof; and from thenceforth, the road so located, shall be, to all intents and purposes, a public highway, and shall be opened and kept in repair, by the supervisors of the highways of the respective townships through which it passes; and that part of the state road which is rendered unnecessary shall be vacated.

Viewers to be under oath.

Their compensation.

SECT. 8. *And be it further enacted by the authority aforesaid,* That each of the said viewers, before he enters upon the duties of his appointment, shall take and subscribe, before some justice of the peace, an oath or affirmation, faithfully and impartially to perform the duties herein enjoined; and the justice shall file and preserve the same; and each of the said viewers shall receive the same compensation as is allowed in similar cases, for county roads, when they are appointed by the court, to be paid out of the treasury of the county of Armstrong, on orders drawn by the commissioners of the same.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.
WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXXIV.

A SUPPLEMENT

To the act entitled "An act for the regulation of the militia of this Commonwealth."

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That in the several brigades of this Commonwealth, the Brigadier General is hereby authorised, whenever he may deem it advantageous to the interest of the brigade, and with the concurrence of the colonel or commanding officer of any regiment of his brigade, to order and direct the said colonel or commanding officer, to appoint company officers, to fill any vacancy that now exists or that may hereafter exist, in any said regiment; and the officers so appointed, shall have all the powers and authority, perform all the duties, and be subject to all the provisions contained in the militia laws, that are given, required or enacted, with respect to such officers, elected or appointed agreeably to the nineteenth section of the act to which this is a supplement.

Company officers to fill vacancies to be appointed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That resignations of volunteer and militia officers, shall be made as follows: all troop and company officers of volunteer corps, attached to a militia regiment, and all company and regimental staff officers of a militia regiment, to the commanding officer of said regiment: all troop, company and regimental or battalion staff officers of a volunteer regiment or independent battalion, to the commanding officer of his proper regiment or independent battalion: all field and brigade staff officers of volunteers or militia, to the commanding officer of the brigade; and all brigadier generals and division staff officers, to the commanding general of the division. And it shall be the duty of the officer to whom any resignation is made as aforesaid, to transmit the same, or give notice thereof, to the brigade inspector or other officer, who may be required by law to order a new election or appointment, to fill any vacancy occasioned by such resignation; and whenever a vacancy happens in any brigade, regiment, independent battalion, troop or company, in any other manner than as above mentioned, agreeably to the militia laws, it shall be the duty of the next senior commanding officer of any such brigade, regiment, independent battalion, troop or company, to give notice thereof in the manner before directed, with respect to resignations, in order that such vacancy may be filled by a new election or appointment. All resignations of major generals shall be made to the adjutant general of the Commonwealth; and whenever a vacancy occurs in that office, in any other manner, the same shall be immediately communicated

Resignations how made.

Notice of resignations to be given to Brigade Inspectors.

Resignations of Major General.

to the said adjutant general, by the next senior officer of the division.

Companies in first brigade first division, may be ordered to parade in regiment on days prescribed for company trainings, Of the militia in Wharton and Saltlick townships, Fayette county.

How part of the 25th section of the act to which this is a supplement, shall be construed

Court of appeal to be composed in relation to persons enrolled agreeably to the 28th section of original act.

Duty of Brigade Inspector.

SECT. 3. *And be it further enacted by the authority aforesaid,* That within the first brigade of the first division, the several companies of each militia regiment, may be ordered to parade together by the commanding officer of the regiment, on the day prescribed by law for company trainings, at a place to be designated by him; and then and there be trained in regiment, battalions or companies under the orders and command of the senior officer present, as he may judge proper. And the commanding general of the second brigade, thirteenth division, is hereby authorised, if he thinks proper, to direct company trainings on the day prescribed for regimental or battalion training, so far as respects Wharton and Saltlick townships, in said brigade.

SECT. 4. *And be it further enacted by the authority aforesaid,* That so much of the twenty-fifth section of the act to which this is a supplement, as declares that no remission shall be made or redress given in any other manner or by any other authority than by the court of appeal, as mentioned in said section, shall not be construed to deprive the field officers, who may be afterwards assembled by virtue of the twenty-sixth section of said act, from exonerating any person or persons agreeably to the provisions of the said last mentioned section; and it shall be the duty of the field officers, assembled agreeably to the twenty-sixth and twenty-eighth sections of said act, to transmit one of the lists required to be made out by them, to the Auditor General of this Commonwealth, and deliver the other thereof to the brigade inspector as therein directed.

SECT. 5. *And be it further enacted by the authority aforesaid,* That after the returns of enrolment are made to the brigade inspector, in the manner directed by the twenty-eighth section of the act to which this is a supplement, the said brigade inspector, before he issues a warrant or warrants in the manner therein directed, shall direct three of the field officers of the regiment, or in case there should not be that number in the regiment, then one or more field officers, from another regiment or regiments, so as to complete that number, to be assembled at a time and place to be fixed on by him, and of which at least ten days public notice shall be given, who shall compose a court of appeal, and who may adjourn from time to time, as may be necessary and proper, and who, or a majority of them, are hereby authorised and directed to exonerate all and every person and persons enrolled, in manner aforesaid, who, in their opinion, ought not to be compelled to pay the amount or any part thereof, directed to be collected agreeably to the said section. And the brigade inspector is hereby directed to furnish to the said court, the returns of enrolment made to him agreeably to said section, or correct co-

pies thereof; and the said field officers shall be sworn or affirmed in the manner directed in other cases; and if a vacancy shall happen, the brigade inspector shall direct another field officer to supply the same; and the senior officer of the said court, who shall be president thereof, is hereby required to make duplicate returns of all the fines remitted by the said court, one whereof he shall transmit to the Auditor General, and the other deliver or cause to be delivered, to the brigade inspector, who shall thereupon issue one or more warrants for the collection of the fines not exonerated, in the manner prescribed by the said section and this act; and all further proceedings shall be had thereon, as is directed and required by said section; but no exoneration shall be made or redress given by any other authority or in any other manner, except by the field officers, who may be afterwards assembled to exonerate collectors in the manner prescribed by the act to which this is a supplement; and the said field officers, composing the court of appeal, shall be entitled to the same compensation that is allowed to the members of other courts of appeal.

Duplicate returns of fines remitted, to be made.

Warrants to issue.

Compensation to court of appeal.

SECT. 6. *And be it further enacted by the authority aforesaid,* That in all warrants hereafter issued for the collection of fines, agreeably to the twenty-sixth, twenty-eighth and thirty-eighth sections of the act to which this is a supplement, immediately after the words, "returning the overplus, if any, to the owner," the following words is hereby authorised to be added, to wit: "and for want of sufficient goods and chattels to pay the same, you are hereby required to convey the delinquent to the jail of the proper county, and deliver him to the custody of the sheriff or jailor thereof, to be held and detained by him, until he pay the said fine or fines, or is discharged agreeably to law;" and which warrants shall then conclude in the form prescribed by the said section; and the provisions of the several insolvent laws of this Commonwealth, are hereby extended to the cases of all persons against whom warrants have issued or may issue, agreeably to the aforesaid sections of the act to which this is a supplement. And the several constables and collectors to whom warrants may be delivered for the collection of fines, as aforesaid, are hereby directed to levy where it conveniently can be done, on such amount of property as, in the opinion of said constable or collector, may be sufficient to satisfy the amount due from any delinquent, with the proper costs of collection and sale; and also, such property as can be sold with as little disadvantage to the owner as conveniently may be; and if any constable or collector shall arbitrarily and oppressively offend herein, he shall forfeit and pay any sum not exceeding one hundred dollars, to be sued for and recovered before the court of the proper city and county, by the party aggrieved.

Form of warrants issued agreeably to 26th, 28th & 38th sections of the original act, altered.

Duty of constables and collectors.

Penalty for acting improperly.

SECT. 7. *And be it further enacted by the authority aforesaid,* That a stand of colors to which every regiment of militia is

Of regimental and battalion colors.

entitled by the act to which this is a supplement, shall consist of a regimental and battalion color, and it shall not be lawful after the passage of this act, for any brigade inspector to purchase for the use of any regiment within his brigade, a regimental or battalion color, where the said regiment has been heretofore supplied with the same, unless the said regimental or battalion color has been lost, destroyed, or is now wholly unfit for use and cannot be repaired; which facts he must satisfactorily prove to the auditor general, before he shall be allowed pay therefor in the settlement of his accounts; and the brigade inspector is authorised to cause any color to be repaired, where the same can be conveniently done, and is necessary and proper; the expense whereof shall be allowed, as in other cases; and in future, every stand of colors for a militia regiment, shall be marked "Pennsylvania Militia," and not with the number of the regiment; and the price to be allowed to any brigade inspector in the settlement of his accounts for the following articles, shall not exceed the sums hereinafter mentioned, to wit: for a stand of colors for a militia regiment, viz. a regimental and battalion color, one hundred dollars; for a stand of colors for a volunteer regiment one hundred dollars; for a battalion color, for an independent volunteer battalion, fifty dollars; for a drum, complete, not exceeding seven dollars.

How to be marked.

Price for colors and drums regulated.

Brigade Inspectors neglecting to settle their accounts annually, to be removed by the Governor.

SECT. 8. *And be it further enacted by the authority aforesaid.* That whosoever any brigade inspector in this Commonwealth shall neglect or refuse annually to settle his account for all money received in any manner by him, agreeably to the militia laws and their supplements; or after his account shall have been so settled, shall neglect or refuse to pay over to the proper office, all moneys in his hands, within sixty days after such settlement, it shall be the duty of the governor to remove forthwith, such delinquent brigade inspector from office.

27th section of original act repealed.

SECT. 9. *And be it further enacted by the authority aforesaid.* That the twenty-seventh section of the act to which this is a supplement, be and the same is hereby repealed.

Of the militia in certain townships in Clearfield and Somerset counties.

SECT. 10. *And be it further enacted by the authority aforesaid.* That the citizens of Covington township, in the county of Clearfield, and Southampton and Allegheny townships, in the county of Somerset, who are or shall hereafter be subject to militia duty, are hereby authorised and permitted to form themselves in a volunteer rifle companies; who shall be governed in the same manner, except as to number, and shall be subject to like penalties, that other volunteer rifle companies are by the existing militia laws, with the exception that they shall be permitted to muster within said township, and not be liable to do duty with any militia regiment, battalion or company, when attached to a corps of volunteers.

SECT. 11. *And be it further enacted by the authority aforesaid.* That that part of the seventy-eighth regiment, second brigade.

sixteenth division, which lies in the county of Warren, shall, from and after the first day of June next, form one separate battalion, and shall be entitled to elect one Lieutenant Colonel, and one Major; and the brigade inspector shall hold an election for the said field officers, for said battalion, on the first Monday of June next, agreeably to the provisions of the fourteenth section of the act entitled, "An act for the regulation of the militia of this Commonwealth," passed the second day of April, one thousand eight hundred and twenty-two; and the field officers of the seventy-eighth regiment are hereby directed to re-organize the said regiment, on or before the first Monday of September next, agreeably to the bounds of said regiment, with the exception of Warren county, which is hereby erected into a separate battalion. Militia in the county of Warren to form a separate battalion: When officers are to be elected. 78th Regt. to be re-organized.

SECT. 12. *And be it further enacted by the authority aforesaid,* That so much of the act to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed. Repeal.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four

J. ANDW. SHULZE.

Chapter CXXV.

A SUPPLEMENT

To the act entitled, "An act providing for the closing of the concerns of banking institutions."

WHEREAS it has been represented to the Legislature, that the period for which the present trustees of the Pennsylvania, Agricultural and Manufacturing Bank have been elected, will expire on the fourteenth day of May next, and that doubts are entertained whether the requisite number of Preamble.

stockholders can be convened to hold an election agreeably to the provisions of existing laws, to supply the place of the trustees whose term of service will then expire, and that much delay and mischief are likely to arise for want of a board of trustees legally constituted to complete the closing of the concerns of the said institution:

For remedy whereof,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same.*

Court of
common
pleas to ap-
point trus-
tees of the
Penn. Agri-
cultural and
Manufactur-
ing Bank.

That in the event of the failure of the stockholders of the Pennsylvania, Agricultural and Manufacturing Bank, to elect trustees to close the concerns of the said bank, in the room of the present trustees, the court of common pleas of the county of Cumberland, are hereby authorised and required, at the first court of common pleas which shall be held after the term of service of the present trustees shall expire, to appoint five capable and judicious persons, as trustees, who shall have the same powers, privileges, and authorities, as if they were legally elected trustees by the stockholders of the said bank, agreeably to the provisions of an act passed on the first April, one thousand eight hundred and twenty-two, entitled, "An act providing for the closing of the concerns of banking institutions;" and the trustees so appointed, shall continue in office for the term of one year from the date of their appointment; and whenever any vacancy shall occur in the board of trustees, it shall be the duty of the said court, at any regular or adjourned court of common pleas, to fill such vacancy by a new appointment; and on the failure on the part of the stockholders, at any future period, to elect trustees, the said court are hereby authorised and required to appoint the proper number of trustees, as often as occasion shall require, until the concerns of the said bank are closed, who shall remain in office for the term of one year from the time of their appointment, and be invested with all the powers, and be subject to the same penalties as trustees legally chosen by the stockholders.

Continuance
in office.

Vacancies
how suppli-
ed.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXXVI.

A SUPPLEMENT

To an act entitled, "An act making appropriation for certain internal improvements," and for other purposes.

WHEREAS, by an act entitled, "An act making appropriation for certain internal improvements," passed the twenty-fourth March, eighteen hundred and seventeen, the Governor was authorised and required, as soon as a company should be incorporated for making an artificial road from the court house, in the borough of Beaver, through Greensburg, to the state line, near Petersburg, in the state of Ohio, to subscribe, on behalf of this Commonwealth, the sum of fifteen thousand dollars of the stock of said company: **AND WHEREAS**, the said company having never complied with the requisitions of the act authorising the Governor to incorporate the same, although the time for so doing has been repeatedly extended, are not entitled to demand and receive the said subscription; nor is the said road now desired by those originally concerned in it: **AND WHEREAS**, the rebuilding of the bridge over Big Beaver creek, at or near Wolf Lane, in the county of Beaver, which was destroyed by a tempest on the first day of September, eighteen hundred and twenty-one, would be extremely advantageous to the state, and could easily be effected by diverting the said subscription to that object.

Preamble.

THEREFORE,

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* That the Governor be and he is hereby authorised and required, to subscribe the said sum of fifteen thousand dollars, originally intended for the company aforesaid, to the stock of the president, managers and company for erecting a bridge over Big Beaver creek, at or near Wolf Lane, in the county of Beaver; one fourth to be paid by the Treasurer of this Commonwealth, on an order drawn by the president of the said company, as soon as the contracts are made for rebuilding the said bridge; one fourth as soon as the abutments and piers of the said bridge shall be erected; and the remainder when the whole shall be completed, on a like order from the president as aforesaid.

\$13,000 to be subscribed to the stock of the company for erecting a bridge over Big-Beaver creek.

When money is to be paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That certificates of shares to the amount of said subscription shall be delivered to the State Treasurer, and shall vest in the said Commonwealth, all the rights and emoluments appertaining to a share or shares as held by individual stockholders; and as often as a dividend shall be declared, by the managers of the said company, the proportion thereof due to

Certificates of shares to be delivered to State Treasurer.

Of dividends.

the state shall be paid by said corporation, into the treasury of this Commonwealth.

SECT. 3. *And be it further enacted by the authority aforesaid.*

Bridge over
Indian creek
in Fayette
county au-
thorised to
be erected.

That the moneys remaining in the hands of the several overseers of the poor in the township of Salt Lick, in Fayette county, as well as the uncollected taxes levied for the support of the poor of said township, and not required for that purpose, be and the same is hereby appropriated towards the erection of a bridge over Indian creek, at or near St. John's Furnace, in the county aforesaid; and that James M'Koun, Andrew Trapp and Samuel Walker, be and they are hereby authorised to act as commissioners, and to have full power to carry into effect the provisions of this act, one of whom shall act as superintendent of the work; and a majority of said commissioners shall make all contracts necessary and proper to carry the same into effect; and said acting superintendent shall be allowed, out of the funds aforesaid, one dollar per day for each day he may be necessarily employed in said business of superintendent: *Provided*, That the sum drawn from the funds aforesaid, shall not exceed one hundred and fifty dollars: *And provided also*, That whatever balance may be necessary to complete the bridge aforesaid, shall be raised by individual subscription.

Commission-
ers appoint-
ed.

Proviso.

2d. Proviso.

SECT. 4. *And be it further enacted by the authority aforesaid.*

120 shares of
the stock of
the Cham-
bersburg and
Bedford turn-
pike road
company to
be subscri-
bed.

That the Governor be and he is hereby authorised and required, to subscribe, on behalf of this Commonwealth, to the stock of the Chambersburg and Bedford turnpike road company, one hundred and twenty shares, to aid the said company in rebuilding the bridge over the Juniata river, about one mile east of Bedford, to be paid in two instalments; one half when the work shall have been commenced, and the residue upon the completion of the said bridge; and upon payment of said subscription, certificates of shares to the amount thereof shall be delivered to the State Treasurer, and shall vest in the Commonwealth all the rights and emoluments appertaining to such share or shares; and the said company shall pay annually, five per cent. per annum, on the sum subscribed in pursuance of this act, to the Commonwealth, until the debts of the said company are paid and a dividend declared.

Five per cent
to be paid to
the state.

SECT. 5. *And be it further enacted by the authority aforesaid.*

30 shares of
stock to the
Philipsburg,
and Susque-
hanna turn-
pike road
company au-
thorised to
be subscri-
bed.

That the Governor be and he hereby is authorised and required, to subscribe, on behalf of this Commonwealth, thirty shares to the stock of the Philipsburg and Susquehanna turnpike road company, to aid and be exclusively expended by the said company, in re-building the bridge on the said road over the Clearfield creek, and to be paid out of the notes of the Centre Bank of Pennsylvania, now in the treasury of this Commonwealth; and the said company shall issue certificates of shares to the State Treasurer, which shall vest in the Commonwealth, all the rights and emoluments appertaining to

such shares, to be paid to the said company, one half when the work is commenced, and the other half when the said bridge is finished and completed; and that the Philipsburg and Susquehanna turnpike road company shall pay five per cent. per annum, on the money subscribed in pursuance of this act, until the debts of the said company are paid and a dividend declared.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Jun.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXXVII.

AN ACT

Concerning certain election districts, and for other purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same,* A new election district
That the township of Upper Hanover, in Montgomery county, be and the same is hereby erected into a separate election district; and the electors thereof shall hereafter hold their general elections, at the public house now occupied by Samuel M'Nulty, in said township. *erected in Montgomery county.*

SECT. 2. *And be it further enacted by the authority aforesaid,* Wayne.
That the electors of the township of Damascus, in the county of Wayne, shall hereafter hold their general elections at the house now occupied by Charles Drake, in said township.

SECT. 3. *And be it further enacted by the authority aforesaid,* Berks.
That the township of Douglas, in the county of Berks, shall be a separate election district; and the electors thereof shall hold their general elections at the house of John Wist, now in the occupancy of Daniel Pile, in said township.

- Westmoreland.** **SECT. 4.** *And be it further enacted by the authority aforesaid.* That the electors of the township of Rostover, in the county of Westmoreland, shall hereafter hold their general elections at the house now occupied by Hugh Wright, Esquire, in said township.
- Ditto.** **SECT. 5.** *And be it further enacted by the authority aforesaid.* That the electors in that part of Derry township, in the county of Westmoreland, which lies north of the old Hannah's town road, shall hereafter hold their general elections at the tavern house of Nathaniel Doty, now in the occupancy of Robert Nicholson, in said township.
- Armstrong.** **SECT. 6.** *And be it further enacted by the authority aforesaid.* That the township of Clarion, in the county of Armstrong, shall be and the same is hereby erected into a separate election district; and the electors thereof, shall hereafter hold their general elections at the house now occupied by Henry Riley, in said township.
- Ditto.** **SECT. 7.** *And be it further enacted by the authority aforesaid.* That the electors in the township of Redbank, in the county of Armstrong, shall hereafter hold their general elections at the house now occupied by Henry Doverspikes, in said township.
- York.** **SECT. 8.** *And be it further enacted by the authority aforesaid.* That the electors in the township of Manheim, in the county of York, shall hereafter hold their general elections at the house now occupied by Adam Snyder, in said township.
- Ditto.** **SECT. 9.** *And be it further enacted by the authority aforesaid.* That that part of Hellam township, in the county of York, included in the following boundaries, to wit: beginning at Vinegar's ferry on the river Susquehanna; from thence along the Vinegar road, to the corner of John Druck's land; thence to the house of Henry Lehman, including the same; thence to the house of John Newcomer; thence to the turnpike road, leading from the Susquehanna to the borough of York, where the Baltimore road intersects the same; thence to the house of George Dicts, senior, deceased; thence to the house of Joseph Dillinger at the Windsor township line; thence along said line to the Susquehanna; thence up said river to the place of beginning, shall be erected into a separate election district; and shall hereafter hold their general elections at the house now in the occupancy of Peter Zigler, in the village of Wrightsville, in said township, and to be called the Eastern ward; and it shall be lawful for the citizens of the said township, to elect jointly two inspectors, at the same house as heretofore, one of which shall reside in each district or ward in said township.
- Ditto.** **SECT. 10.** *And be it further enacted by the authority aforesaid.* That the electors in the township of Lower Chanceford, in the county of York, shall hereafter hold their general elections at the house now occupied by Ephraim M'Clary, in said township.

SECT. 11. *And be it further enacted by the authority aforesaid,* That that part of the township of Deer, in the county of Allegheny, beginning at or near the house of Joseph Lawson, in said township, and from thence a due north course, to intersect the Butler county line; the eastern part to be called the Allegheny district, is erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Benjamin Coe, junior, in said township; and the electors in the west end of said township, shall hereafter hold their general elections at the house of John Connelly, deceased, in the western part of said township; and the citizens of said township shall jointly elect two inspectors, at the time and place of holding their township elections as directed by law, who shall reside in the district for which they shall respectively be elected.

Allegheny

SECT. 12. *And be it further enacted by the authority aforesaid,* That the electors of the township of Franklin, in the county of Allegheny, shall hereafter hold their general elections at the house now occupied by Samuel Neely, in said township.

Ditto

SECT. 13. *And be it further enacted by the authority aforesaid,* That the electors of that part of Penns township in Union county, who have heretofore held their general elections in the town of New Berlin, in said county, shall hereafter hold their general elections at the house now occupied by George Heberling, in the town of Selins Grove, in said township, and elect with the electors of that part of Penns township that now hold their general elections in the house aforesaid.

Union.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the township of Litchfield, in the county of Bradford, shall be a separate election district; and the electors thereof shall hereafter hold their general elections at the house now occupied by James Lowries, in said township.

Bradford.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the township of Albany, in the county of Bradford shall be a separate election district; and the electors thereof shall hereafter hold their general elections at the house now occupied by Freeman Wilcox, in said township.

Ditto.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the electors in the township of Springfield, in the county of Bradford, shall hereafter hold their general elections at the house now occupied by Luke Pitts, in said township.

Ditto.

SECT. 17. *And be it further enacted by the authority aforesaid,* That so much of the borough of Harrisburg, in the county of Dauphin, as is on the south east side of a line running through the middle of Market-street, in the said borough, is hereby erected into a separate election district; and the electors thereof shall hereafter hold their general elections in the south east wing of the court house, in the said borough; and that this district shall hereafter be called the South Ward; and so much of the said borough as is on the north west side

Harrisburg
divided into
two wards.

of the said line, shall hereafter be called the North Ward; and the electors thereof shall hold their general elections as heretofore, in the north west wing of the court house, in said borough; and it shall be lawful for the electors of the aforesaid wards, under the regulations prescribed by the laws regulating the general elections within this Commonwealth, to elect, at the places aforesaid, one inspector of the general election for each of the said wards.

Franklin. SECT. 18. *And be it further enacted by the authority aforesaid,* That the electors in the township of Lurgan, in the county of Franklin, shall hereafter hold their general elections at the house now occupied by John Green, in the said township.

Ditto. SECT. 19. *And be it further enacted by the authority aforesaid,* That the following described part of Fannett township, in the county of Franklin, shall be a separate election district, viz. Beginning at the north corner of Amberson's valley, where Wilson Hunt's survey intersects the Perry county line, on the south side of the mountain which divides Amberson's valley from the Path valley; thence along the side of said mountain, nearly a south west course, on Wilson Hunt's line, to the end of said mountain, where it joins the west Conococheague Creek; thence down said creek, to where it crosses Metal township line; thence nearly a south east course, along the Metal township line, over the top of Kittatinny mountain, to the Letterkenny township line; thence nearly east or north east, by said line, to intersect the line of Lurgan township; thence by the same, along said mountain, to Perry county line; thence by the same, to the place of beginning; and that the said district shall be known by the name of the Sulphur Spring district; and the electors thereof shall hereafter hold their general elections at the house now occupied by John Harvey, in said township; and it shall be lawful for the citizens of said township to elect, jointly, two inspectors at the same house as heretofore, one of which shall reside in each district in said township.

Lycoming. SECT. 20. *And be it further enacted by the authority aforesaid,* That the following described part of Chapman township, in the county of Lycoming, shall be a separate election district, viz. To include the inhabitants from the mouth of the Sinnemahoning river, up the same to the east branch; thence up the said branch, to the Potter county line; thence along the same, to the M'Kean county line; thence along the same, to the Clearfield county line; thence along the same to the west branch of Susquehanna; thence down the same, to the place of beginning; and the electors thereof shall hold their general elections and elections for inspectors, at the house of William Deviling, now in the occupancy of Adam Logue, in said township.

Potter. SECT. 21. *And be it further enacted by the authority aforesaid,* That Harrison township, in the county of Potter, shall be a separate election district; and the electors thereof shall hold

their general elections at the house now occupied by Thomas Calvin, in said township.

SECT. 22. *And be it further enacted by the authority aforesaid,* That Brown township, in the county of Lycoming, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by William Calahan, in said township. Lycoming.

SECT. 23. *And be it further enacted by the authority aforesaid,* That the township of Keating, in the county of M'Kean, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Gideon Irons, in the village of Smethsport, in said township. M'Kean.

SECT. 24. *And be it further enacted by the authority aforesaid,* That the electors in the township of Pocano, in the county of Northampton, shall hereafter hold their general elections at the house now occupied by Henry Edingers, in said township. Northampton.

SECT. 25. *And be it further enacted by the authority aforesaid,* That the township of Falls, in the county of Luzerne, is hereby erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by John Oasterhout, in said township. Luzerne.

SECT. 26. *And be it further enacted by the authority aforesaid,* That the electors of the district of Abington, in the county of Luzerne, shall hereafter hold their general elections at the house now occupied by William H. Nichols, in said district. Ditto.

SECT. 27. *And be it further enacted by the authority aforesaid,* That the electors now residing in that part of Conemaugh township, in the county of Cambria, which was formerly Summerhill township, in said county, shall vote at the usual place of election for the district of Conemaugh township. Cambria.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the electors of Haycock township, in the county of Bucks, shall hereafter hold their general elections in the house now occupied by Joseph Rotherick, in said township. Bucks.

SECT. 29. *And be it further enacted by the authority aforesaid,* That the township of Lampeter, in the county of Lancaster, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Benjamin Witmer, in said township. Lancaster.

SECT. 30. *And be it further enacted by the authority aforesaid,* That the electors of Bloomfield township, in the county of Crawford, shall hereafter hold their general elections at the house now occupied by Andrew Britton, in said township. Crawford.

SECT. 31. *And be it further enacted by the authority aforesaid,* That the electors in Cherry township, in the county of Venango, shall hereafter hold their general elections at the house now occupied by Thomas Hamilton, in said township. Venango.

SECT. 32. *And be it further enacted by the authority aforesaid,* That the electors of Allegheny township, in the county of

- Venango. Venango, shall hereafter hold their general elections at the house now occupied by James M'Casland, in said township.
- Erie. SECT. 33. *And be it further enacted by the authority aforesaid,* That the electors of the township of Venango, in the county of Erie, shall hereafter hold their general elections at the house now occupied by John Yost, in said township.
- Tioga. SECT. 34. *And be it further enacted by the authority aforesaid,* That the township of Shippen, in the county of Tioga, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Richard Phillips, in said township.
- Bradford. SECT. 35. *And be it further enacted by the authority aforesaid,* That the township of Athens, in the county of Bradford, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Delanson Saltmarsh, in said township.
- Ditto. SECT. 36. *And be it further enacted by the authority aforesaid,* That the township of Ulster, in the county of Bradford, shall be a separate election district; and the electors thereof shall hold their general elections at the house now occupied by Jarret Holcomb, in said township.
- Chester altered. SECT. 37. *And be it further enacted by the authority aforesaid,* That the townships of Westtown, Thornbury and Birmingham, in the county of Chester, be re-annexed to the first election district, and hold their general elections, in future, at the court-house, in the borough of West-Chester, in the county aforesaid; and so much of the fifty-eighth section of an act establishing and altering certain election districts, passed the thirty-first day of March, one thousand eight hundred and twenty-three, as is hereby altered or supplied, be and the same is hereby repealed.
- Washington. SECT. 38. *And be it further enacted by the authority aforesaid,* That the electors of West-Bethlehem township, in Washington county, shall, after the passage of this act, hold their general elections at the house now occupied by John Meyers, near the centre of said township.
- Ditto. SECT. 39. *And be it further enacted by the authority aforesaid,* That the electors of Nottingham township, in Washington county, shall, after the passage of this act, hold their general elections at the same place where the electors of said township now hold their township elections.
- Philadelphia. SECT. 40. *And be it further enacted by the authority aforesaid,* That the electors within the township of Germantown, in the county of Philadelphia, shall hereafter hold their general elections at the Concord school-house, in said township.
- Mercer. SECT. 41. *And be it further enacted by the authority aforesaid,* That the township of West Salem, in Mercer county, be and the same is hereby erected into a separate election district; and the electors thereof shall hold their general elec-

tions at the house now occupied by Thomas W. Beans, in the town of Greenville, in said township.

SECT. 42. *And be it further enacted by the authority aforesaid,* That the township of Salem, in Mercer county, be and the same is hereby erected into a separate election district; and the electors thereof shall hold their general elections at the school-house, at the cross-roads, near the house of John Leech, Esq. in said township. Mercer:

SECT. 43. *And be it further enacted by the authority aforesaid,* That the township of Lycoming, in the county of Lycoming, be and the same is hereby erected into a separate election district; and the electors thereof shall hold their general elections at the house now occupied by John Murphy, in the town of Newberry. Lycoming:

SECT. 44. *And be it further enacted by the authority aforesaid,* That the electors of Plum creek township, in the county of Armstrong, shall hereafter hold their general elections at the house now occupied by Daniel Elgin, in the town of Elderton, on the turnpike road. Armstrong:

SECT. 45. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, the electors of the township of Penn, in Philadelphia county, shall choose one additional inspector, to serve at the general elections, at the same time and place and in the same manner as is prescribed by law. Penn township, Phila. co. to have an additional inspector.

SECT. 46. *And be it further enacted by the authority aforesaid,* That the township of North White-Hall, in the county of Lehigh, be and the same is hereby erected into a separate election district; and the electors thereof shall hereafter hold their general elections at the house of Jacob Hersh, in said township. Lehigh.

SECT. 47. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, it shall be lawful for the stockholders in the Somerset and Bedford turnpike road company, to hold their elections on the second Monday in May, in each and every year hereafter, for the purpose of electing their officers in said company, any law to the contrary notwithstanding. Time of holding election in the Somerset & Bedford turnpike company altered.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter CXXXI.

AN ACT

Authorising the laying out a certain state road, from Perrysville, in the county of Allegheny, to the Butler turnpike, in the county of Butler.

SECT. 1. *BE it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same.* That Robert Hilands and William Rogers, of Allegheny county, and John Dodds, of Butler county, be and they are hereby appointed commissioners, to view, lay out and mark a state road, from Perrysville, in the county of Allegheny, the nearest and best way by Whitsal's mill, thence to intersect the Butler turnpike road, in the county of Butler, at a distance of from nineteen to twenty-five miles from the city of Pittsburg, and on such ground as shall not exceed an elevation of five degrees from a horizontal line.

Commissioners appointed to lay out a road from Perrysville to Butler turnpike.

SECT. 2. *And be it further enacted by the authority aforesaid,* That each of the said commissioners, before he enters upon the duties of said appointment, shall take and subscribe an oath or affirmation, before some justice of the peace, faithfully and impartially to perform the duties enjoined on him by this act, and shall receive one dollar and fifty cents for each day he or they shall necessarily be employed in said work, together with a reasonable allowance for chain carriers and markers. And the accounts of the said commissioners shall be adjusted and settled by the commissioners of the counties through which the said road shall pass; and the expenses shall be paid by the respective counties in proportion to the distance it shall pass through the same, by warrants drawn by the commissioners on the treasurers of the respective counties.

Commissioners to be under oath.

Their compensation.

Accounts how settled and paid.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the said commissioners, to make out a draught of said road, to be deposited in the office of the clerk of the court of quarter sessions of the peace, of the respective counties through which the road may pass, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as other roads are opened and repaired, which are laid out by order of the courts of quarter sessions of the counties aforesaid.

Draughts to be made.

And the said commissioners shall proceed to perform the Commission-duties required of them, on or before the first of June next. ers to meet.

JOSEPH LAWRENCE, Speaker
of the House of Representatives.

WILLIAM MARKS, Junr.
Speaker of the Senate.

APPROVED—the thirtieth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Resolutions.

Chapter I.

RESOLUTION,

Relative to the purchase of the map of the country through which the proposed Chesapeake and Ohio Canal is to pass.

RESOLVED, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Secretary of the Commonwealth be and he is hereby required, to subscribe for nine copies of "A map of the section of country through which a canal to connect the waters of the Chesapeake and Ohio is proposed to pass, and of the National Road between Cumberland and Wheeling, with the adjacent country, by James Shriver," agreeably to the "proposals by Fielding Lucas, junior, of Baltimore;" one copy whereof, and the book of notes accompanying it, to be for the use of the Governor, and one copy with the said notes, for each of the following named places, viz: The chamber of the Senate; the chamber of the House of Representatives; the offices of the Secretary of the Commonwealth, the Auditor General, the State Treasurer, the Secretary of the Land Office, the Surveyor General, and the State Library. The said maps to be "handsomely colored, varnished, backed with muslin, and mounted on rollers." The amount to be paid by the State Treasurer, on the Governor's warrant, drawn for the same: *Provided*, That the subscription price shall not exceed three dollars and fifty cents each.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the eighth day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter II.

RESOLUTION

For the better protection of Domestic Manufactures.

To provide for the common defence, and promote the general welfare of the people of the United States, are the great objects for which the government of the Union is instituted. Among the diversified measures adopted by Congress in the prosecution of these objects, the present tariff was established, with a partial view to encourage and protect national industry, the principal source of public wealth. But, in the progress of events, experience has fully demonstrated the inadequacy of the present rate of imposts to protect domestic manufactures against a foreign competition, enjoying the advantages of capital and experience, matured skill and the artificial encouragements of premiums and bounties, and that without additional protection from the general government, the country must continue indebted to foreign supply, for even many articles of manufacture, immediately connected with the defence and independence of the nation. Believing it to be the duty of the general government, to cherish and foster internal industry, as the means of promoting the general welfare; that it would be wise policy in Congress, to countervail, by protecting duties, the political regulations of foreign governments which operate injuriously on the commercial and agricultural interests of the country; and that it is the interest of the United States, under existing circumstances, to become independent of foreign powers for every national and domestic purpose; and earnestly impressed with the conviction, that not only the wealth, but the independence and security of the country are materially connected with the prosperity of manufactures, and that the establishment of them, by the adoption of a sound tariff, would increase the general stock of useful and productive labor; secure a steady and more extensive domestic market for the surplus produce of the soil, and improve the state, and advance the interests of agriculture, thereby promoting the general prosperity of the nation, and strengthening the bond of union by the ties of mutual interest and dependence:

THHEREFORE,

Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Senators of this state, in the Senate of the United States, be and they are hereby instructed, and the Representatives of this state, in Congress, be and they are hereby requested, to exert their influence, in establishing a tariff for the protection of our Domestic Manufactures and Agricultural interests.

Be it further resolved, That the Governor be, and he is hereby requested, to transmit a copy of the foregoing preamble and resolution, to each of our Senators and Representatives in Congress.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, *Junr.*

Speaker of the Senate.

APPROVED—the twenty-fourth day of January, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter III.

RESOLUTION

Relative to preventing the fishing with gilling nets, in the river Susquehanna, within the limits of the state of Maryland.

WHEREAS it has been represented to the legislature, by petitions from a great number of the citizens of this Commonwealth, that a practice prevails of fishing with gilling nets, in the waters of the Chesapeake Bay and Susquehanna river, within the limits of the state of Maryland, at that season of year when the shad are ascending into the fresh water to deposit their spawn, and that this practice, if not prevented, will, in the course of a few years, totally destroy all shad fishing in both states, to the great and manifest injury of their citizens: AND WHEREAS, the grievances complained of cannot be remedied but through the interposition of the Legislature of Maryland:

THEREFORE,

RESOLVED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Governor be and he is hereby requested, to correspond with the Governor of the state of Maryland, upon the subject of the said grievance, and solicit his interference with the Legislature thereof, to procure, as soon as possible,

the passage of a law to prevent the fishing with gilling nets in the Chesapeake Bay and the river Susquehanna.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the ninth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter IV.

RESOLUTION

Relative to a further distribution of Smith's and Reed's edition of the laws,

RESOLVED, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met, That the members of both houses of the legislature, and the clerks and assistant clerks thereof, who have not heretofore been furnished, be supplied with the sixth and seventh volumes of the laws of Pennsylvania, published by Joseph Reed, esquire, and the five first volumes of Smith's edition; and the secretary of the commonwealth is hereby authorised to purchase, in addition to what may be in his office undisposed of, a sufficient number for said purpose, to be paid for out of any unappropriated money in the treasury.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the ninth day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter V.

RESOLUTION

Approving of the declaration of the President of the United States, in favor of the cause of Liberty in the Western Hemisphere.

In a government emanating from the will of the people, instituted for their benefit and administered for their welfare, it is at all times their right, and often a duty which they owe to themselves, to express their opinions respecting the state of their public concerns. The same right and duty attaches to the representatives of the people, when they are assembled in their representative capacity. The present situation of Europe; the avowed determination of the Allied Sovereigns, to regulate the governments of their more immediate neighbors; and the probability that exists of an improper interference in the internal concerns of the southern portion of this hemisphere, present a combination of circumstances, calculated to excite an extraordinary degree of anxiety in the minds of Americans.

Our republican principles, we firmly believe, are consonant with the unalienable rights of man. Every thing, therefore, which is calculated, even in a remote degree, to endanger institutions founded on those principles, we view with the deepest interest. Any attempt by the allied sovereigns of Europe, to interfere with the internal regulations of those governments in our own hemisphere, who have declared their independence and have maintained it; and whose independence the United States have on great consideration, and on just principles, acknowledged, must be considered as an indirect attack upon the glorious privileges which we enjoy.

THEREFORE,

RESOLVED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the magnanimous declaration of the President of the United States, in defence of the cause of liberty in this western hemisphere, meets the entire approbation of the general assembly of this commonwealth. That whilst the allied sovereigns have manifested a determination that no free government shall exist in the eastern hemisphere, it has afforded us the highest gratification to observe the president of the United States (expressing the sentiments of millions of freemen) proclaiming to the world that any attempt on the part of the allied sovereigns of Europe, to extend their political systems to any portion of these continents of America, or in any other manner to interfere in their internal concerns, would be considered as dangerous to the peace and safety of the United States.

Resolved, That the Governor be requested to transmit co-

pies of the foregoing resolution to the President of the United States, and to the president of the senate, and speaker of the house of representatives of the United States.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-third day of February, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter VI.

BE IT RESOLVED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the Secretary of the Commonwealth be authorised and directed, to dispose of the copies of the "Report of the commissioners appointed by the Executive of Maryland, to ascertain and fix on a route for a canal, which will connect the waters of the Susquehanna with the city of Baltimore," as follows: To the Governor, one copy; to the Secretary of the Commonwealth, the Secretary of the Land Office, the Surveyor General, the State Treasurer, and the Auditor General, each two copies, for the use of their respective offices; to the State Library twenty copies; to each member of the Senate and House of Representatives, and the respective Clerks and Assistant Clerks of each house, one copy; to each of the Commissioners appointed to improve the navigation of the river Susquehanna, one copy.

JOSEPH LAWRENCE, *Speaker*

of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the third day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter VII.

RESOLUTION

Relative to the imposition, by Congress, of a prohibitory duty on sales by auction.

The Legislature of Pennsylvania view with concern, the bill introduced into the Congress of the United States, laying a duty on sales at auction. The principles upon which this bill is introduced, are dangerous to the rights of this Commonwealth. As it is obvious that the bill proposed to Congress is not intended to add to the revenue of the Union, it is to effect a prohibition of sales at auction. How far Congress possesses the constitutional power to regulate the sales of goods, wares and merchandize, after they have passed the custom house, is a question of vital importance to the sovereignty of the several states: a power which Pennsylvania is not willing to concede. If the proposed bill should become a law, this state would be deprived of an annual revenue, from seventy to ninety thousand dollars. To replace this sum, would require new and extraordinary taxes, oppressive and burthensome to her citizens. It is believed, that the pretext for this extraordinary measure, the protection of domestic manufactures, is fallacious; and that instead of aiding the manufacturer, it would go to enrich the wholesale dealer or commission merchant, to the general injury of the community. The advantages proposed to be gained will bear no proportion to the evils which would be produced by the passage of the bill. Its tendency is hostile to that harmony which exists between this state and the Union, a harmony which has at all times been the policy of Pennsylvania to cherish:

THEREFORE,

RESOLVED by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our senators be instructed, and the representatives of the people of this state, in Congress, be requested to use their utmost influence to oppose the passage of the bill now before Congress, imposing a prohibitory duty on sales by auction.

Resolved, That the Governor be and he is hereby requested, to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in Congress.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.
WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the fifteenth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

Chapter VIII.

RESOLUTION

Relative to the improvement and distribution of the state maps.

BE IT RESOLVED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania in general assembly met*, That the Secretary of the Commonwealth and the Surveyor General, be and they are hereby authorised and required, to procure any additional information, relative to the particulars mentioned in the first section of the act entitled "An act directing the formation of a map of Pennsylvania," passed nineteenth March, one thousand eight hundred and sixteen, that may be necessary and proper for the further improvement of the state map of this Commonwealth, and to cause such alterations and additions to be made in the said map, and the plates thereof, as they may deem expedient for the improvement of the same; and they are hereby further authorised, to make all contracts and agreements necessary for effecting the purposes aforesaid.

State map
authorised to
be improved

And be it further resolved, That the sum of five hundred dollars be and it is hereby appropriated for the purpose of carrying into effect the objects of the foregoing resolution.

\$500 appro-
priated.

And be it further resolved, That all accounts of persons employed by virtue of the provisions of the foregoing resolutions, after being approved of by the accountant department, shall be paid by the State Treasurer: *Provided*, They do not exceed in amount, the sum herein before appropriated.

Accounts
how settled
and paid.

Proviso.

And be it further resolved, That the Secretary of the Commonwealth be authorised and directed to dispose of the state maps as follows: To the Governor of the Commonwealth, for the use of the executive chamber, one map; to the Secretary of the Commonwealth, the Surveyor General, Auditor General, State Treasurer and the Secretary of the Land-Office, each one map, for the use of their respective offices; to the Clerk of the Senate and the Clerk of the House of Representatives, each two maps, for the use of the respective houses of the Legislature; to the chairman of the library committee, two maps for the use of the State Library; to the prothonotaries of the several counties in the Commonwealth and to the commissioners of such counties as are not organized for judicial purposes, each one map, to be put up in their respective office for public use; to the members of the Senate and to the members of the House of Representatives, each one map; and to the clerks and assistant clerks of the Legislature, each one map.

Secretary of
Common-
wealth direc-
ted to distri-
bute State
maps.

JOSEPH LAWRENCE, *Speaker*
of the House of Representatives.

WILLIAM MARKS, Junr.

Speaker of the Senate.

APPROVED—the twenty-ninth day of March, one thousand eight hundred and twenty-four.

J. ANDW. SHULZE.

I CERTIFY, That in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during their last session.

MOLTON C. ROGERS, *Secretary*.

SECRETARY'S OFFICE, }
Harrisburg, April 30, 1824. }

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